

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

231

FAO-8176-2014

Date of decision: 17.08.2022

Mukand Lal

.....Appellant

Versus

Om Parkash and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Kotla, Advocate
for the appellant.

None for respondents No.1 and 2.

Mr. Ravinder Arora, Advocate
for respondent No.3.

MANJARI NEHRU KAUL, J. (ORAL)

The injured-claimant is in appeal before this Court against the following compensation awarded by the learned Motor Accidents Claims Tribunal, Hisar (for short, 'the Tribunal') on account of the injuries received by him in a Motor Vehicular Accident which took place on 25.01.2011:-

Sr. No.	Head	Amount
1.	Expenses incurred on treatment	Rs.36,600/-
2.	Compensation on account of hospitalization	Rs.16,000/-
3.	Compensation on account of pain and suffering	Rs.40,000/-
4.	Compensation on account of permanent disability	Rs.6,000/-
5.	Compensation on account of loss of income	Rs.4,503/-
6.	Compensation on account of further treatment	Rs.5,000/-
	Total Compensation	Rs.1,08,103/-

Learned counsel for the appellant *inter alia* contended that

the compensation awarded to the injured-claimant was meagre and deserved to be reassessed and modified. It was submitted that due to the injuries received, the claimant, who was a hawker had been physically disabled and ever since his accident was unable to do his work properly. It was submitted that certain implants were fixed by the doctor on account of the injuries received and the compensation awarded for future medical expenses i.e. for removal of implants and also for further treatment were grossly inadequate. Learned counsel submitted that on account of a fractured right femur bone, fracture of his wrist, the appellant was not only hospitalized for 8 days but he had also been permanently disabled to the extent of 3% and thus was unable to carry on his work effectively and efficiently as a hawker.

Per contra, learned counsel for respondent No.3-insurance company submits that the injured claimant who had suffered permanent disability to the extent of 3%, had been adequately compensated and hence, the impugned award did not warrant any interference.

I have heard learned counsel and perused the material placed on record.

Being a hawker, the claimant would surely face difficulty in doing his work on account of the injuries sustained in the accident in question. Not only this, even the quality of life would have adversely been affected, therefore, the amount of compensation on account of the permanent disability sustained requires to be enhanced to Rs.30,000/-.

The compensation thus payable to the injured-claimant would be as follows:-

Sr. No.	Head	Amount
1.	Expenses incurred on treatment	Rs.36,600/-
2.	Compensation on account of hospitalization	Rs.16,000/-
3.	Compensation on account of pain and suffering	Rs.40,000/-
4.	Compensation on account of permanent disability	Rs.30,000/-
5.	Compensation on account of loss of income	Rs.4,503/-
6.	Compensation on account of further treatment	Rs.5,000/-
	Total Compensation	Rs.1,32,103/-

The injured-claimant is, therefore, held entitled to a total compensation in the sum of Rs.1,32,103/- along with interest @ 8% per annum from the date of filing of claim petition till its actual realization, which shall be paid by the respondents jointly and severally.

With these modifications, the present appeal stands disposed of in the above terms.

17.08.2022

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No