

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

FAO-6882-2015
Decided on : 13.05.2022

Parshotam Lal
Versus
Dinesh Gill and others
... Appellant(s)
... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Sandeep Jasuja, Advocate
for the appellant-claimant.

Mr. Vijay Rana, Advocate
for respondents No.1 & 2.

Mr. M.K. Garg, Advocate
for respondent No.3 – Insurance Co..

MANJARI NEHRU KAUL, J. (Oral)

The instant appeal has been preferred by the appellant-claimant (injured) against the award dated 20.04.2015, passed by the learned Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal'), in a petition filed under Section 166 of the Motor Vehicles Act, 1988, wherein, the following compensation in the sum of Rs. 79,000/-, was awarded to the appellant/claimant (injured), for the injuries suffered by him in a motor vehicular accident, which took place on 31.07.2014:-

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
1.	Medical Bills	Rs.13,386/-
2.	Hospitalization and Healthy Diet	Rs. 10,000/-
3.	Attendant Charges	Rs.15,000/-
4.	Pain & Suffering	Rs.15,000/-
5.	Transportation Charges	Rs.5,000/-
6.	Loss of Income	Rs.10,000/-
7.	Compensation qua Temporary Disability	Rs.10,000/-
	Total:	Rs.78,386/-
	Rounded off:	Rs. 79,000/-

A few facts necessary for adjudication of the case may be

noticed. The appellant-claimant (injured), was 61 years of age at the time of accident. On 31.07.2014, at about 08:50 A.M., when the appellant-claimant was returning after dropping his grand-children in the School on his Activa bearing registration No.CH01-AJ-8729, a Scorpio bearing registration No. CH01-AT-9471 (hereinafter referred to as 'the offending vehicle'), which was being driven by respondent No.1, in a rash and negligent manner collided with his Activa scooter, as a result of which, the appellant-claimant received multiple injuries on his person including a fracture on his left leg.

Learned counsel contends that on account of the fracture sustained on his left leg, the appellant-claimant was operated upon and a rod was inserted leading to 15% temporary disability. It was submitted that while passing the impugned award, the Tribunal fell in error by awarding a meagre sum of compensation without taking into account the pain & suffering, which he had to put up on account of the injuries sustained.

While drawing the attention of this Court to the compensation awarded, learned counsel submits that even though medical bills (Ex.P2 to Ex.P-16), had been produced before the Tribunal, with respect to the expenses incurred during his hospitalization after the accident in question, however, the Tribunal granted compensation only in the sum of Rs.13,386/- towards the expenses incurred. Besides this, he further submits that no compensation has been awarded *qua* future medical expenses, which may be incurred by the appellant-claimant with respect to the injuries sustained on his leg.

On the other hand, learned counsel appearing for respondent No.3 – Insurance Company, submits that the compensation awarded by the Tribunal is adequate and just. He further submits that the bills, which had been produced were not even proved in accordance with law. He further submits that the bills, in particular Ex.P16, on the basis of which, the appellant-claimant is seeking enhancement of compensation, are handwritten on a plain piece of paper, which on the face of it, are fabricated and fake bills.

I have heard learned counsel for the parties and perused the relevant material on record.

The Tribunal has rightly discarded the bills in particular

Ex.P16, as they are handwritten on a plain piece of paper and admittedly not proved in accordance with law. So far as the compensation awarded by the Tribunal under other heads like pain and suffering, hospitalization, diet, transportation etc. is concerned, this Court deems it appropriate to enhance and modify the amount of compensation in the following terms:-

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
1.	Medical Bills	Rs.13,386/-
2.	Hospitalization and Healthy Diet	Rs. 15,000/-
3.	Attendant Charges	Rs.15,000/-
4.	Pain & Suffering	Rs.25,000/-
5.	Transportation Charges	Rs.5,000/-
6.	Loss of Income	Rs.20,000/-
7.	Compensation qua Temporary Disability	Rs.10,000/-
	Total:	Rs.1,03,386/-
	Rounded off:	Rs. 1,04,000/-

The appellant-claimant is therefore, held entitled to a total of Rs.1,04,000/- as compensation along with interest @ 8% per annum from the date of filing of petition till its actual realization.

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

(MANJARI NEHRU KAUL)
JUDGE

May 13, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*