

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

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**FAO-7067-2016 (O&M)
Date of decision: 10.10.2022**

Ram Chander (now deceased) through his LRsAppellant

Versus

Suresh Pal and othersRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sudhir Rana, Advocate for
Mr. Keshav Pratap Singh, Advocate
for the appellant.

Respondents No.1 and 2-service dispensed with
vide order dated 19.09.2019.

Mr. Vipul Sharma, Advocate for
Mr. Paul S. Saini, Advocate
for respondent No.3-insurance company.

MANJARI NEHRU KAUL, J. (ORAL)

CM-24281-CII-2016

Prayer in the application is for bringing on record the legal
representatives of the deceased appellant.

Learned counsel appearing for respondent No.3-insurance
company does not have any objection if the application is allowed.

Accordingly, the application is allowed and the persons
mentioned in para No.2 of the application are brought on record as legal
representatives of the deceased appellant.

FAO-7067-2016 (O&M)

Legal representatives (LRs) of the appellant/claimant by
way of the present appeal have sought enhancement of the award dated
30.05.2016 passed by the learned Motor Accidents Claims Tribunal,
Kurukshetra (for short, 'the Tribunal') wherein the following

compensation was awarded to appellant/claimant:-

Sr. No.	Head	Amount
1.	Medical expenses	Rs.7,35,000/-
2.	Loss of future earnings	Rs.11,01,600/-
3.	Pain and suffering and amenities of life	Rs.1,00,000/-
4.	Transportation charges	Rs.5,000/-
5.	Attendant charges	Rs.10,000/-
6.	Special diet etc.	Rs.10,000/-
	Total compensation	Rs.19,61,600/-

As per the pleaded case of the claimant on 01.08.2015, while he was riding his motorcycle bearing registration No.HR-07U-7138 and going from Ladwa to his village Dugari, he was hit by a car bearing registration No.HR-78A-0679 (hereinafter referred to as 'the offending vehicle') which was being driven rashly and negligently by respondent No.1. On account of the serious injuries sustained by him in the accident in question, the appellant had been rendered 100% permanently disabled. Thereafter, the appellant was hospitalized after the accident and also underwent Cranioplasty on account of the brain injury suffered by him.

Learned counsel for the LR's of the claimant submits that during the pendency of the instant appeal, the appellant expired on 21.08.2016, leaving behind the following two legal representatives i.e. (i) Kamlesh widow of the claimant and (ii) Yashpal son of the claimant.

Learned counsel has vehemently argued that the Tribunal had fallen into error by awarding a meagre amount of compensation even though the permanent disability suffered by the appellant/claimant was to the extent of 100%. He submits that the compensation assessed

under the heads of pain and suffering, attendant charges, special diet and transportation charges requires to be reassessed and enhanced.

Per contra, learned counsel appearing for respondent No.3- insurance company while opposing the prayer and submissions made by the counsel opposite, has controverted the submissions made and argued that the Tribunal has not erred in any manner whatsoever while awarding the impugned compensation to the deceased appellant/claimant. He submits that the income of the claimant had been assessed at Rs.10,200/- per month as per the Collector rates for the relevant period which was much higher than the minimum wages notified by the Haryana Government even in respect of skilled workers i.e. Rs.6332.75, for the relevant period. Learned counsel also submits that the compensation awarded under the heads of pain and suffering, attendant charges did not warrant any interference as it was just and adequate. He, therefore, prays for dismissal of the instant appeal.

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

The LR's of the claimant are seeking enhancement of the compensation under the heads of special diet, attendant and transportation expenses and pain and suffering on account of death of the claimant during pendency of the instant appeal.

This Court has no hesitation in holding that on the basis of the material and other evidence led, the claimant has been adequately compensated for special diet, attendant and transportation charges. The compensation awarded by the Tribunal is in fact on the higher side as the income of the claimant has been assessed as per the Collector rates,

which is admittedly much higher than the minimum wages for skilled worker i.e. Rs.6332.75, notified by the State Government for the relevant period.

Coming to the next submissions of the learned counsel for the LR's of the claimant that compensation for pain and suffering needs to be enhanced is devoid of any merit. This claim cannot be pursued by the LR's of the claimant as the same stands abated on account of the death of the claimant during the pendency of this appeal.

As a sequel to the above discussion, this Court does not find any cogent ground to interfere in the compensation awarded by the Tribunal. Accordingly, the instant appeal is dismissed.

10.10.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No