IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

259

FAO-3400-2017
Decided on : 16.05.2022

Jagbir

. . . Appellant(s)

Versus

Hari Om and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Ajit Sihag, Advocate
for the appellant-claimant.

Mr. O.P. Sharma, Advocate
for respondent No.2 – Insurance Co..

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MANJARI NEHRU KAUL, J. (Oral)

The instant appeal has been preferred by the appellant-claimant (injured) against the award dated 05.03.2016, passed by the learned Motor Accident Claims Tribunal, Hisar (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. 1,65,400/-, was awarded to the appellant/claimant (injured), for the injuries suffered by him in the motor vehicular accident, which took place on 10.06.2015:-

Sr. No.	***Head***	***Amount***
1.	For Disability	Rs.40,000/-
2.	For Medical Expenses	Rs. 1,04,400/-
3.	For pain & suffering	Rs.10,000/-
4.	For Special diet & Transportation charges	Rs.5,000/-
5.	For loss of Enjoyment of Life	Rs.6,000/-
	Total:	Rs.1,65,400/-

A few facts necessary for adjudication of the case may be noticed. On 10.06.2015, when the appellant-claimant along with one Rajesh s/o Baje Singh was going on motor cycle bearing registration No.

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HR-21-J-3497, at about 01:30 p.m., a car bearing registration No. HR-32-H-5558 (hereinafter referred to as 'the offending vehicle'), which was being driven by respondent No.1 at a very high speed, came in a rash and negligent manner, and collided with their motorcycle. Resultantly, the appellant-claimant (injured) fell on the road and received multiple injuries on his person. The appellant-claimant was rushed to CMC Hospital, Hisar, for treatment. An FIR No.280, dated 12.06.2015, under Sections 279, 337, 338, 427 of IPC, was also registered at Police Station Narnaund, against respondent No.1.

Learned counsel contends that due to the accident in question, the appellant-claimant was operated upon for the grievous injuries suffered and had become permanent disabled. It was submitted that while passing the impugned award, the Tribunal fell in error by awarding a meagre sum of compensation. While drawing the attention of this Court to the compensation awarded, learned counsel submits that even though due to the said accident, the appellant-claimant received multiple injuries, which resulted in permanent disability to the extent of 20% (Ex.P15), however, the compensation awarded in the sum of Rs. 10,000/- on account of pain & suffering was on lower side. Learned counsel further submits that compensation also needed to be enhanced with respect to the attendant charges as well as the expenses incurred by the claimant/appellant for special diet and transportation. Besides, this no compensation had been awarded *qua* any future medical expenses which in all likelihood would be incurred by the appellant-claimant.

On the other hand, learned counsel appearing for respondent No.2 – Insurance Company, submits that the compensation awarded by the

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Tribunal is adequate and just and did not require any interference.

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

In view of the submissions made by the learned counsel for the appellant-claimant with respect to the Tribunal having not awarded any compensation qua attendant charges and also having awarded a meagre sum of amount towards pain & suffering, special diet and transportation, this Court deems it appropriate to enhance and modify the amount of compensation in the following terms:-

Sr. No.	***Head***	***Amount***
1.	For permanent Disability	Rs.40,000/-
2.	For Medical Expenses	Rs. 1,04,400/-
3.	For pain & suffering	Rs.25,000/-
4.	For Special diet & Transportation charges	Rs.15,000/-
5.	For loss of Enjoyment of Life	Rs.6,000/-
6.	Attendant Charges	Rs. 10,000/-
	Total:	Rs.2,00,400/-

The appellant-claimant is therefore, held entitled to a total of Rs.2,00,400/- 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 16, 2022
J.Ram

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

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