

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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FAO-4442-2017
Decided on : 16.05.2022

Paramjeet Singh
Versus
Gurbax Singh alias Jasha Singh and others
... Appellant(s)
... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Abhanav Kalia, Advocate
for the appellant-claimant.

Mr. R.N. Singhal, 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 20.03.2017, passed by the learned Motor Accident Claims Tribunal, Sirsa (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. 1,78,600/-, was awarded to the appellant/claimant (injured), for the injuries suffered by him in a motor vehicular accident, which took place on 21.03.2015:-

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
1.	Medical Expenses	Rs.94,000/-
2.	For Disability	Rs. 55,000/-
3.	Loss of Earning During Convalescing Period	Rs.5,000/-
4.	Conveyance/Transportation	Rs.4,600/-
5.	Pain & Sufferings	Rs.10,000/-
6.	Special Diet	Rs.10,000/-
	Total:	Rs.1,78,600/-

A few facts necessary for adjudication of the case may be noticed. On 21.03.2015, when the appellant-claimant along with his friend

HR-24M-6706, a Verna car bearing registration No. HR-24M-6829 (hereinafter referred to as 'the offending vehicle'), being driven by respondent No.1 in rash and negligent manner, came from the opposite side and collided with their motorcycle. Both the riders of the motorcycle as well as respondent No.1 sustained injuries in the accident. They were firstly shifted to General Hospital, Sirsa, and thereafter, referred to a higher medical centre. Bittu, however, succumbed to his injuries. An FIR No.63, dated 22.03.2015, under Sections 279, 337, 338, 304-A and 427 of IPC, was lodged at Police Station Ellanabad, against respondent No.1.

Learned counsel contends that on account of the injuries suffered in the accident in question, the appellant-claimant would not be able to lead a normal life. He submits 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 due to the said accident, the appellant-claimant received multiple injuries, which led to permanent disability to the extent of 25.50% on his leg, however, the compensation awarded on account of permanent disability and pain & suffering was on lower side. Learned counsel further submits that the attendant charges as well as the expenses incurred for special diet and transportation are grossly inadequate. Besides, this no compensation has been awarded *qua* any future medical expenses which in all likelihood would be incurred by the appellant-claimant *qua* his permanent disability.

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 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:-

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
1.	Medical Expenses	Rs.94,000/-
2.	For permanent Disability of his leg	Rs. 55,000/-
3.	Loss of Earning During his convalescence Period	Rs.5,000/-
4.	Conveyance/Transportation	Rs.5,000/-
5.	Pain & Sufferings	Rs.21,000/-
6.	Special Diet	Rs.10,000/-
7.	Attendant Charges	Rs. 10,000/-
	Total:	Rs.2,00,000/-

The appellant-claimant is therefore, held entitled to a total of Rs.2,00,000/- 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 16, 2022

J.Ram

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