

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

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**FAO-2284-2019 (O&M)
Decided on : 12.05.2022**

Varinder Singh @ Gurinder Singh

. . . Appellant(s)

Versus

Abhishek and others

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Raj Kumar Arya, Advocate
for the appellant-claimant.

Mr. Vinod Kumar Gupta, Advocate
for respondent No.3 – Insurance Co..

MANJARI NEHRU KAUL, J. (Oral)

CM-7107-CII-2019

This is an application filed under Section 5 of the Limitation Act read with Section 151 CPC for condonation of delay of 39 days in filing the present appeal.

In view of the averments made in the application, which is supported by an affidavit of the applicant-appellant, the delay of 39 days in filing the appeal is hereby condoned.

CM stands disposed off.

FAO-2284-2019

The instant appeal has been preferred by the appellant-claimant (injured) against the award dated 09.08.2018, passed by the learned Motor Accident Claims Tribunal, Gurdaspur (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. 1,28,468/-, was awarded to the appellant/claimant (injured), for the injuries suffered by

him in a motor vehicular accident, which took place on 22.07.2017:-

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
1.	Medical Bills	Rs.53,468/-
2.	Pain & Suffering & enjoyment of life	Rs. 50,000/-
3.	Special diet, attendant & conveyance charges	Rs.25,000/-
	Total:	Rs.1,28,468/-

A few facts necessary for adjudication of the case may be noticed. On 22.07.2017 when the appellant/claimant (injured) was pillion riding on a motorcycle, at about 01:30 p.m., a car bearing registration No. PB06-U-3904 (hereinafter referred to as 'the offending vehicle'), being driven rashly and negligently by respondent No.1 came from behind and collided with the motorcycle. Resultantly, the appellant/claimant received multiple injuries, for which he was medically treated at different hospitals.

Learned counsel for the appellant/claimant *inter alia* contends that while passing the impugned award, the Tribunal erred in not awarding any compensation *qua* the foot injury received by the appellant/claimant, which was to the extent of 37% (temporary disability). He further submits that the appellant/claimant was a labourer and on account of the injury sustained, he was unable to work during the period when he was undergoing medical treatment, as a result of which, he suffered loss of income.

Learned counsel has also submitted that even *qua* the other heads, the Tribunal had awarded a meagre compensation, which required to be reassessed and enhanced.

Per contra learned counsel for respondent No.3 – Insurance Company while opposing the prayer and submissions made by the counsel opposite, submits that no doubt the appellant had sustained injury on his foot, however, the disability was only to the extent of 30% and admittedly

that disability was not a disability of permanent nature. He further submits that the amount of compensation awarded was adequate and did not require any interference.

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

The appellant/claimant was treated as a labourer, hence, it is but natural that in view of the injury received on his left foot, he would not have been able to earn his livelihood during the period he was hospitalized and convalescing. Since the Tribunal has not awarded any compensation to the appellant *qua* loss of income for the aforesaid period, this, Court deems it appropriate to grant of Rs. 35,000/- towards loss of income, as the appellant on account of the injuries received remained hospitalized and even thereafter was unable to walk for sometime.

In the circumstances, this Court deems it appropriate to enhance the amount of compensation from Rs. 1,28,468/- (as awarded by the Tribunal) to Rs.1,63,468/- as compensation along with interest @ 7.5% 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 12, 2022

J.Ram

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