

282 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHFAO-2634-2018 (O&M)
Decided on : 12.10.2022

Lucky Singh @ Lakhi Singh

..... Appellant

Versus

Kulwinder Singh and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Jimmy Singla, Advocate
for the appellant.Ms. Shamsher Kaur, Advocate
for respondent No.2.

Manjari Nehru Kaul, J.(Oral)

The injured-claimant has challenged the award 02.11.2017 passed by Motor Accident Claims Tribunal, Sangrur (hereinafter called as 'the Tribunal') in the claim petition filed under Section 166 of Motor Vehicles Act wherein the following compensation was assessed and awarded to the claimant on account of injuries received in a motor vehicular accident, which took place on 30.03.2016:

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
1	Medical Expenditure	Rs.45,365/-
2	Permanent disability	Rs.1,00,000/-
3	Pain and suffering	Rs.50,000/-
4	Adverse effect on future prospects	Rs.1,00,000/-
5	Transportation	Rs.15,000/-
6	Special diet	Rs.15,000/-
	Total compensation	Rs.3,25,365/-

The aforementioned amount of compensation along with interest @ 7% p.a. from the date of filing of the petition till the date of realization, was ordered to be paid jointly and severally by all the respondents.

As per pleaded case of the injured-claimant while he along with Satpal Singh @ Kala were going on a motorcycle bearing registration No.PB-13-AK-8591, a Verna car bearing registration No.PB-10-BY-3444 driven in a rash and negligent manner by respondent No.1 collided with their motorcycle, as a result of which, the injured-claimant and Satpal Singh @ Kala fell down on the road and sustained grievous multiple injuries. On the statement of Satpal Singh, FIR No.65 dated 04.04.2016 under Sections 279, 337, 338 and 427 IPC was registered at Police Station Sadar Dhuri.

Learned counsel for the appellant-claimant submits that the Tribunal while assessing the compensation had failed to appreciate that the injured-claimant claimant was a young boy of 18 years of age on the date of accident and a student of +2. Due to the injuries suffered, the injured-claimant suffered 30% permanent disability as his left femur bone and tibia bone were fractured. The appellant remained hospitalized for almost two weeks in the hospital on account of the grievous injuries sustained by him in the accident. The doctor opined that the injured-claimant would not be able to undertake any strenuous work though he may be able to do his routine work. Learned counsel submits that the compensation, which had been awarded was grossly inadequate since the Tribunal had granted a meager sum of Rs.1 lakh towards the permanent disability suffered by the appellant-claimant and not adequately compensated him for loss of future prospects.

He further submits that the permanent disability would also come in the way of the injured-claimant at the time of his marriage, which fact had been erroneously ignored by the Tribunal while assessing the compensation.

Learned counsel for the Insurance Company while opposing the prayer and submissions made by the learned counsel for the injured-claimant has vehemently argued that the compensation awarded by the Tribunal was just and adequate, which did not warrant any interference. She submits that the injured-claimant was able to walk around comfortably and hence, the personal disability suffered by him had not been creating any hindrance in his daily routine and work.

Heard learned counsel for the parties and perused the relevant material available on record.

This Court cannot lose sight of the fact that the injured-claimant was a young boy of 18 years on the date of accident in question. It is a matter of record that on account of the injuries suffered on his left femur and tibia bone, he had suffered 30% permanent disability. The claimant naturally has to live with this disability for the rest of his life. It is also but natural that the permanent disability suffered by him would also cause hindrance to his marriage prospects, for which he ought to have been compensated by the tribunal.

This Court in the aforesaid facts and circumstances thus, deems it appropriate to reassess and modify the compensation awarded to the injured-claimant as follows:

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
1	Medical Expenditure	Rs.45,365/-

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
2	Permanent disability	Rs.2,00,000/-
3	Pain and suffering	Rs.50,000/-
4	Adverse effect on future prospects including marriage prospects	Rs.2,00,000/-
5	Transportation	Rs.15,000/-
6	Special diet	Rs.15,000/-
	Total compensation	Rs.5,25,365/-

The appellant-claimant is thus held entitled to the afore-detailed enhanced compensation of Rs.5,25,365/- along with interest at the rate of 7% per annum from the date of filing of the claim petition till its actual realization.

With the above modifications, the instant appeal stands disposed of.

12.10.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No