

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

**FAO No.3735 of 2002**

**Date of Decision: 06.02.2023**

Jasmer Singh

...Appellant

Versus

Balensh and others

...Respondents

**CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Bhavdeep, Advocate appearing for  
Mr. R.S. Mamli, Advocate  
for the appellant.

Respondent No.1 proceeded against *ex-parte*  
vide the order dated 05.08.2016.

Mr. Gurvinder Singh, Advocate appearing for  
Mr. J.P. Sharma, Advocate  
for respondent No.2.

Mr. Neeraj Khanna, Advocate  
for respondent No.3-Insurance Company.

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**MEENAKSHI I. MEHTA, J. (Oral)**

Feeling aggrieved and dis-satisfied with the Award passed by learned Motor Accident Claims Tribunal, Kurukshetra (for short 'the Tribunal') on 28.03.2002, whereby the appellant-claimant (here-in-after to be referred as 'the claimant') has been awarded compensation to the tune of Rs.40,000/-, along-with interest @ 9% per annum from the date of filing of the claim petition till its realization, on account of the injuries suffered by him in a motor vehicular accident, he (claimant) has preferred the instant

appeal for seeking the enhancement of the amount of compensation.

2. As per the brief factual-matrix culminating in the filing of the present appeal, the claimant filed a petition against the respondents, the respective driver, owner and the insurer of the Truck bearing registration No.HR-45-2409 (for short 'the offending vehicle'), for claiming compensation of Rs.05 (five) lac, while averring that on 08.08.1998, he, along-with Surjan Singh, was travelling on the Tractor having registration No.HR-07-9728 and Satpal son of Chajju Ram was driving the same at the moderate speed and was keeping it on the correct side on the road. When they reached near Geeta Dwar, Pipli Chowk, the offending vehicle, which was being driven by respondent No.1 in a rash and negligent manner, came there and it hit the Tractor and resultantly, he (claimant) fell down and sustained multiple grievous injuries in this accident.

3. It is pertinent to mention here that respondent No.1 had been proceeded against *ex-parte* before the Tribunal. Respondents No.2 and 3 filed their separate written statements contesting the claim, as set-forth by the claimant in his petition, on various grounds. The claimant filed the replication and then, the Tribunal put the parties to the trial by framing the issues on 23.04.2001. After appreciating and evaluating the evidence as led by the parties on the record and hearing their learned counsel, the Tribunal passed the impugned Award, granting compensation to the claimant as already indicated in the opening para of this judgment.

4. I have heard learned counsel appearing for the appellant-claimant as well as learned counsel for respondents No.2 & 3 in this appeal

and have also perused the file carefully.

5. Learned counsel appearing for the claimant contends that the claimant underwent surgery and had remained hospitalized for almost one (01) month for the treatment of the injuries sustained by him in the above-said accident but the Tribunal has not awarded any compensation to him on the counts of special-diet, transportation and the charges of the attendant and therefore, the claimant is entitled to the enhancement of the amount of compensation, as awarded by the Tribunal.

6. Per-contra, learned counsel for respondent No.3-Insurance Company argues that the Tribunal has already awarded sufficient amount to the claimant as compensation and it being so, he has no occasion to ask for any further enhancement in the same.

7. In Para No.14 in the impugned Award, it has categorically been mentioned that PW2 Dr. A.C. Nagpal had deposed that the claimant was admitted in his hospital on 08.08.1998 and had remained hospitalized there till 07.09.1998 and the surgery had also been performed on him. It being so, it becomes quite explicit that the claimant must have incurred the expenses on his transportation to and from the hospital, special-diet and for availing the services of the attendant as well. However, the Tribunal has not granted any compensation to him for the same. In these circumstances, this Court is of the considered opinion that it will be in the fitness of the things and the ends of justice will also be best served if the claimant is awarded an amount of Rs.15,000/-, in lump-sum, on all the three aforementioned scores.

8. As a sequel to the fore-going discussion, the appeal in hand is hereby allowed to the effect that the appellant-claimant Jasmer Singh is entitled to the net enhanced compensation amounting to **Rs.15,000/-**, over and above the amount of Rs.40,000/- as already awarded to him by the Tribunal. The said enhanced amount shall carry the interest @ 7.5% per annum from the date of filing of the claim petition till its realization and shall be payable to the claimant in terms of the impugned Award.

**06.02.2023**

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**(MEENAKSHI I. MEHTA)**  
**JUDGE**

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