

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

203

FAO-1536-1992 (O&M)

Date of decision : 14.11.2023

Master Amandeep Singh Kohli

....Claimant-Appellant

Versus

Ajit Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the appellant

Mr. Aman Sharma, Advocate
for respondent No.2 PRTC

AMAN CHAUDHARY, J.

1. The present appeal has been filed by the claimant-appellant, seeking enhancement of the compensation amount awarded by the learned Motor Accident Claims Tribunal, Ludhiana (for short 'the Tribunal') vide award dated 29.05.1992, on account of the injuries received by him in a motor vehicular accident.

2. It has been averred in the grounds of appeal that the injured-appellant was 14 years of age at the time of his accident, in which he had suffered multiple severe injuries including closed head injury, cerebral contusion, fractures in right M.C.F., A.C.F., and right femur and remained admitted in Christian Medical College and Brown Memorial Hospital for 8 days. Thereafter, he was operated in Ganga Ram Hospital, New Delhi, and remained admitted for about 19-20 days. The appellant had to visit the hospital for follow up treatment. No amount has been awarded for special diet, attendant charges, transportation costs, etc. The amount awarded under the head of pain and suffering is also on the lower side.

3. On the other hand, the learned counsel on behalf of PRTC has opposed the present appeal with vehemence by stating that just and reasonable

compensation has already been awarded to the appellant, which requires no enhancement.

4. Heard and perused.

5. There is no dispute with regard to the accident that was caused by respondent No.1, driver of the offending bus of Pepsu Roadway Transport Corporation-respondent No.2, wherein the appellant had suffered multiple injuries, resulting in serious consequences. As far as the liability fastened upon the driver and owner of the offending vehicle, to be joint and several, is concerned, it is pertinent to mention that no challenge to the same has been made and thus, this issue does not warrant any further examination. With regard to compensation, the appellant remained admitted as an indoor patient from 23.06.1989 to 30.06.1989. PW3, Dr. Kundal Lal, who treated the appellant, had proved the injury report Ex.AW3/2, wherein it was mentioned that Amandeep suffered closed head injury, cerebral contusion, fracture right MCF, fracture ACF and fracture right femur.

6. A gainful reference can be made to **Sidram vs. Divisional Manager, United India Insurance Co. Ltd. and another**, 2023(1) RCR (Civil) 44, wherein Hon'ble the Supreme Court held that, "This Court has emphasised time and again that "just compensation" should include all elements that would go to place the victim in as near a position as she or he was in, before the occurrence of the accident. Whilst no amount of money or other material compensation can erase the trauma, pain and suffering that a victim undergoes after a serious accident, (or replace the loss of a loved one), monetary compensation is the manner known to law, whereby society assures some measure of restitution to those who survive, and the victims who have to face their lives." Further, while allowing the appeal the compensation was enhanced by taking into consideration the following:

"56. The evidence on record indicates that the appellant suffered paraplegia due to the accident. Paraplegia is a form of paralysis of lower body. It restricts everyday routine more

particularly the physical activity and leads to (i) deprivation of simple pleasures and amenities of life, (ii) 100% loss of earning capacity, (iii) long term secondary complications requiring continuous care, medical treatment and hospitalization, (iv) feeling of helplessness, depression, anger, stress, anxiety, etc. In short, paraplegia impairs physical, mental and psychological health and has devastating impact on the social and financial well being of the victim.

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1.	Loss of earning due to disability :	Rs.7,77,600/-
2.	Loss of earning for 6 months:	Rs.48000/-
3.	Medical expenses	Rs.1,55,000/-
4.	Future medical expenses	Rs.2,16,000/-
5.	Attendant charges	Rs.4,32,000/-
6.	Litigation charges	Rs.50,000/-
7.	Loss of conveyance	Rs.50,000/-
8.	Pain and suffering	Rs.1,00,000/-
9.	Marriage prospects	Rs.3,00,000/-
10.	Loss of amenities	Rs.50,000/-
	Total	Rs.21,78,000/-

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place.

8. In the present case, the Tribunal had awarded a sum of Rs.25,00/- for medical expenses and Rs.7500/- for pain and sufferings, which considering in light of the aforesaid dictum of law, this Court finds that the ends of justice would be adequately met, if the same is granted/enhanced thus:

- (i) Pain and suffering to Rs.25,000/-
- (ii) Amount spent for follow up treatment: Rs.20,000/-
- (iii) Special diet and conveyance: Rs.10,000/-
- (iv) Medicines: Rs.2500/- (no change)

9. Accordingly, the enhanced amount of compensation of Rs.47500/-, over and above the amount of Rs.10,000/- already awarded by the Tribunal, shall be paid to the claimant-appellant within a period of two months from the date of receipt of a certified copy of this judgment, failing which, the amount shall accrue an interest at the rate as already awarded by the Tribunal. The component of interest payable on the enhanced amount shall be 7.5% per annum from the date of filing of the present appeal, till its realization.

10. Modifying the award to the aforesaid extent, the present appeal is disposed of.

11. Registry is directed to send a copy of the judgment to the concerned Tribunal for necessary compliance.

14.11.2023
gsv/M.Kamra

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No