

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO 2656/2019

Date of decision:21/03/2023

Ajay Kumar

.....Appellant

Vs.

Salim Khan and others

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms.Anjali, Advocate for
 Mr.Devender Arya, Advocate for the appellant.

Service upon respondents 1 and 2 dispensed with vide order
Dated 9.12.2019.

Mr. Vinod Gupta, Advocate for the contesting respondent
No.3-Insurance Company.

Nidhi Gupta, J.

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.89,357/- awarded by the Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal') vide Award dated 6.12.2018 passed in MACP No.184/2018 under Section 166 of the Motor Vehicles Act,1988 (hereinafter referred to as 'the Act').

Facts in brief are that the ld. Tribunal on appraisal of the pleadings and evidence led by the parties held that the appellant was injured in a motor vehicular accident that took place on 1.2.2017 due to rash and negligent driving of Truck bearing registration No. HR-63A-6986 (hereinafter referred to as 'the offending vehicle') being driven by

respondent no.1, owned by respondent no.2, and insured by respondent no.3 herein.

Ld. Tribunal awarded compensation as above along with interest @ 9% per annum from the date of filing of the claim petition till realization. Respondents were held jointly and severally liable to pay the compensation.

Ld. Counsel for the appellant seeks enhancement of compensation inter alia, on the ground that nothing has been granted to the appellant by way of loss of amenities and transportation. It is submitted that very meagre amounts have been granted towards pain and suffering and attendant charges. It is submitted that accordingly, compensation deserves to be enhanced.

Per contra, it is submitted by the ld. Counsel for the Insurance Company that appellant has suffered no permanent disability. It is submitted that in fact perusal of the Award shows that there is no mention of any injury suffered by the appellant, and only on the basis of guess work the ld. Tribunal has awarded the compensation of Rs.89,357/- to the appellant. It is further submitted that medical bills amounting to Rs.74,357/- produced and proved by the appellant have been duly reimbursed by the ld. Tribunal.

No other argument has been advanced on behalf of the parties.

Heard ld. Counsel.

Perusal of the record of the case shows that as per testimony of PW7 Harpreet Singh, Manager, Record, Rajeev Hospital, Moga, appellant had remained hospitalized due to injuries suffered in a road-side accident,

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from 2.2.2017 to 13.2.2017. PW7 has also duly proved the Discharge Summary Ex.P5. Record also reveals that appellant was operated upon on 5.2.2017, and other medical record in the form of final bill is Ex.P6, and operation record is Ex.P7. In view of the above undisputed facts and circumstances, in my view, present appeal deserves to be allowed and compensation awarded to the appellant is reworked as under:-

Sr.No.	Head	MACT	Compen- sation reworked in appeal
1.	Medical bills	Rs. 74,357/-	Rs.74,357/-
2.	Pain and suffering	Rs.5,000/-	Rs.20,000/-
3.	Special diet	Rs.5,000/-	Rs.5,000
4.	Attendant Charges	Rs.5,000/-	Rs.10,000/-
5.	Loss of amenities	--	Rs.5,000/-
6.	Transportation	--	Rs.5,000/-
	Total.	Rs.89,357/-	Rs.1,19,357
	Enhanced by	Rs.30,000/-	

Appellant shall be entitled to interest @ 7.5% per annum on enhanced compensation from date of filing claim petition till realization.

Appeal stands allowed in the above terms.

21/03/2023
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No