

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

FAO-5503-2012
Date of decision: 13.07.2023

KRISHAN KUMAR

..Appellant

Versus

RAJENDER & ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kulwant Singh Dhanora, Advocate
for the appellant.

Mr. Sandeep Goyat, Advocate
for the respondent No.1.

Mr. D.K. Dogra, Advocate
for respondent no.3.

ANIL KSHETARPAL, J(Oral)

1. This appeal has been filed challenging the correctness of the award, passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, by the Motor Accidents Claims Tribunal at Hisar (hereinafter referred to as “the Tribunal”) on 15.05.2012 with regard to the assessment of the amount of compensation. In other words, the involvement of two motorcycles bearing registration No.HR-20L-6509 and HR-20K-5871, respectively, and the correctness of the finding with regard to rash and negligent driving by the driver of the motorcycle bearing registration plate No.HR-20K-5871, are not in dispute.

2. The accident took place on 03.04.2008. The appellant is stated to have suffered permanent disability to the extent of 15% in relation to the upper limb and right lower limb. The disability certificate has been proved by Dr. Reena Jain.

3. While calculating the amount of compensation, the Court has bifurcated the amount under following heads:-

(i)	Permanent disability 15%	Rs.30,000/-
(ii)	Bills Ex.P4 & Ex.P36 to Ex.P71	Rs.87,840/-
(iii)	Pain and suffering	Rs.20,000/-
(iv)	Special diet	Rs.5,000/-
	Total	Rs.1,42,840/-

4. The learned counsel representing the appellant contends that the appellant has neither been awarded any amount for the attendant nor he has been awarded any amount for extra expenses during the period of hospitalization. He submits that the amount awarded under the heads of pain and suffering and special diet is also inadequate.

5. On the other hand, the learned counsel representing the Insurance Company contends that the appellant has been awarded sufficient amount.

6. It is not in dispute that the period of hospitalization of the appellant is 19 days in the hospital. Apart from the medical expenses, there are certain expenses for which normally the invoices are not issued. Moreover, keeping in view the nature of injuries suffered by the appellant, he was required to have the services/help of an attendant. Even on account of permanent disability, the Court has awarded Rs.2,000/- for each percentage of permanent disability. No doubt, at one point of time, this was considered adequate, however, with the passage of time the aforesaid amount particularly in view of rising cost appears to be inadequate.

7. Consequently, the amount of compensation is re-calculated as under:-

(i)	Permanent disability 15%	Rs.45,000/-
(ii)	Bills Ex.P4 & Ex.P36 to Ex.P71	Rs.87,840/-
(iii)	Pain and suffering	Rs.30,000/-
(iv)	Special diet	Rs.10,000/-
(v)	Charges of attendant	Rs.25,000/-
(vi)	Extra expenses	Rs.10,000/-
	Total	Rs.2,07,840/-

8. The enhanced compensation shall be payable along with the interest at the rate of 7.5% from the date of filing of the claim petition till its realization.

9. Disposed of accordingly.

10. All the pending miscellaneous applications, if any, are also disposed of.

July 13th, 2023
Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No