

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

FAO No. 2259 of 2017

DATE OF DECISION :- May 15, 2023

Raj Sunil Mumtaz

...Appellant

Versus

Gurtej Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Ms. Ekta Thakur, Advocate for the appellant.

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

1. Briefly stated facts of the case are that on account of suffering injuries in a motor vehicular accident which took place on 25.1.2015 at about 7.30 P.M in the area of Barnala Bathinda main road, near Guru Nanak School, when petitioner-claimant along with his wife Margret and Savita was travelling in TATA Indigo Car No. CH01-AN-5642 being driven by him then truck trailer No. PB03-R-9383 being driven in a rash and negligent manner by respondent No. 1 Gurtej Singh came from Bathinda side and while in the process of overtaking some vehicle had hit the Car driven by the petitioner-claimant. After being hit, the Car had over turned and fell in ditches on the road side. All the occupants of the Car sustained injuries. Formal F.I.R with regard to the accident was registered against respondent No. 1. The petitioner-claimant had suffered multiple injuries and was hospitalized for 41 days.

2. He had filed a claim petition against respondents i.e. Gurtej Singh, driver, Surinder Pal Singh, owner and The New India Assurance Company Limited, Chandigarh, insurer of the offending truck trailer.

3. According to the claimant he was aged about 59 years at the time of accident and was earning Rs.30,000/- per month while working as Priest. The claimant had suffered a fracture of arm and spending Rs.50,000/- on his treatment.

4. The claim petition so filed before Motor Accident Claims Tribunal, Chandigarh was contested by the respondents however, vide detailed Award dated 24.8.2016 the claim petition was allowed and compensation of Rs.1,67,764/- was awarded to the claimant payable by the respondents jointly and severally along with interest at the rate of 7.5% per annum from the date of filing of claim petition till actual realization.

5. Finding the compensation awarded by the Tribunal to be on lower side the claimant has approached this Court by way of filing an appeal notice of which was given to respondent No. 3 Insurance Company only since liability to pay the compensation was held to be joint and several of all the three respondents by the Tribunal. Such Insurance Company has appeared through counsel.

6. I have heard learned counsel for the appellant and learned counsel for the Insurance Company besides going through the record.

7. The Tribunal had awarded compensation as per details below :-

Sr. No.	Particulars	Amount
1.	Physiotherapist charges	Rs.18,000/-
2.	Special Diet & attendant charges	Rs.74,000/-
3.	Transportation charges	Rs.10,000/-

4.	Pains and sufferings	Rs.25,000/-
5.	Loss of income	Rs.23,700/-
6.	Future loss of income	Rs.17,064/-
	Total	Rs.1,67,764/-

8. I find that the compensation awarded under the Head pain and suffering is on the lower side. The same is enhanced to Rs.50,000/-. Similarly since he had suffered fracture of arm due to accident, another sum of Rs.25,000/- is awarded to the claimant to meet the expenditure on his medical treatment.

9. Therefore, the compensation awarded by the Tribunal is enhanced to Rs.75,000/- in addition to the amount awarded by the Tribunal. In that way the claimant is entitled to get total compensation of Rs.2,42,764/- (Rs.1,67,764+Rs.75,000). The claimant shall be entitled to recover this amount with interest at the rate of 7.5% per annum from the date of filing of claim petition till actual realization. The liability to pay this amount being joint and several.

10. The appeal is allowed with cost.

(H.S. MADAAN)
JUDGE

May 15, 2023
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No