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

F.A.O. No.4958 of 2017(O&M)

DATE OF ORDER: 10.02.2023

Madan Pal

.....Appellant/claimant

Versus

Som Nath and another

....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr.Simran Sharma, Advocate for
 Mr.G.S. Dhillon, Advocate for the appellant.

Mr.Harveet Singh Sehgal, Advocate for respondent No.2.

Nidhi Gupta, J.

CM-15091-CII-2017

Application for condonation of delay of 125 days in re-filing the present appeal is filed. For the reasons stated in the application, the same is allowed subject to just exceptions, and the delay is condoned.

CM-15092-CII-2017

Application for condonation of delay of 214 days in filing the present appeal has been filed. For the reasons stated in the application, the same is allowed subject to just exceptions, and the delay is condoned.

F.A.O. No.4958 of 2017

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.69,000/- granted by the learned Motor Accidents Claims Tribunal, Ambala (hereinafter refer to as 'the Tribunal') vide Award dated 01.10.2015 passed in MACT Case No.225 of 2014 filed under Section 166 of the Motor Vehicles Act,1988.

Learned Tribunal, on the basis of the evidence and pleadings placed before it, concluded that the appellant/injured claimant had been injured in a motor vehicular accident that took place on 16.01.2014 due to the rash and negligent driving of dumper bearing registration No.HR-68-A-4378 (hereinafter refer to as "the offending vehicle") being driven by respondent No.1 herein.

Learned counsel for the appellant submits that the appellant was 48 years of old at the time of accident and was working as Senior Accountant with HAFED and was posted in Ambala City. It is submitted that he was getting a salary of Rs.31,732/- per month at the time of accident. It is further submitted that the appellant remained hospitalized from 16.01.2014 till 27.01.2014 for a period of almost 10 days. It is submitted that as a result of the accident, the appellant had suffered a disability of 15% on account of cervical injury with pain in cervical movements with complaint of vertigo; and loss of sensation of right thumb, and pain in right thumb. It is submitted that the injuries suffered by the appellant were duly certified on record by way of disability certificate Ex.P1, which was proved by Dr. Vikas Paul, PW-2. It is submitted that the appellant being an accountant is unable to perform his duties properly due to injuries suffered in his

right thumb, and vertigo and pain in cervical movement, because of which he is unable to write properly. It is submitted that accordingly, the amount of Rs.20,000/- awarded by the Tribunal towards pain and suffering is on the lower side; and only Rs.4,000/- has been given towards Nutrition and diet; Rs.2,000/- per month for two months towards attendant charges have been granted; and transportation charges of only Rs.30,000/- have been granted.

Per contra, it is submitted by learned counsel for the respondent-insurance company that perusal of the record of the case shows that the appellant, as PW3, has admitted during the cross-examination that *“he did not suffer any loss of salary or in status due to the accident in question and is still in service.”*

It is further submitted by learned counsel for the respondent-insurance company that the appellant has received medical reimbursement from the Department where he was employed in respect of all the medical expenses incurred by the appellant due to the accident.

No other argument is made on behalf of the parties.

I have heard learned counsel for the parties.

For the most part, I find no error in the impugned award except that it is undisputed that the appellant had suffered a disability of 15% with loss of sensation in right thumb and pain in the right thumb. In my view, as the appellant is an accountant with HAFED, this will cause great inconvenience and difficulty to the appellant in the proper discharge of his duties. Thus, I find the amount of Rs. 20,000/- awarded towards pain and suffering is on the lower side.

Accordingly, in the facts and circumstances of the present case, I find that it will serve the ends of justice if the compensation of Rs. 69,000/- awarded by the learned Tribunal is enhanced by an amount of Rs.50,000/- under the head of pain and suffering, thus, making the total compensation awarded to be Rs.1,19,000/-. Appellant is held entitled to interest @ 7.5% on enhanced compensation as granted by the Id. Tribunal from date of filing of claim petition till date of realization.

Present appeal stands disposed of in above terms.

Pending applications, if any, also stand disposed of.

10.02.2023

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(Nidhi Gupta)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No