



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

**FAO No.515 of 1997 (O&M)
Date of decision : 03.10.2024**

Vinod Kumar

....Appellant

Versus

Ashok Rishi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : None for the appellant.

Mr. Suvir Dewan, Advocate
for respondent No.4.

PANKAJ JAIN, J. (ORAL)

Appellant is in appeal seeking modification of the award dated 22nd of August, 1996 passed by MACT (IV), Faridabad.

2. Appellant Vinod suffered injuries in a motor-vehicular accident involving three vehicles i.e. scooter, maruti car and a truck.

3. Vinod Kumar who was minor at the time of accident suffered permanent injury and has been rendered disabled as he cannot walk properly. While deciding issue of rashness and negligence, Tribunal held both the appellant party as well as the respondents equally liable for negligence. It also held respondent No.3 owner of the truck liable. There is no serious dispute being raised *qua* findings on Issue No.1. However, the appellant is aggrieved of a meagre compensation of Rs.24,000/- awarded to him.

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4. Appellant was a student of Class X at the time of accident. Being hospitalized on account of injuries suffered by him he lost an year of education and could not appear in matric examination. He appeared as PW-10. His father appeared as PW-12. Injuries were proved by Dr. K.D. Soni PW-11 who treated him. Vinod Kumar was admitted on 6th of June, 1992 with fracture of right femur and fracture on both bones of right leg for which he was operated on 7th of June, 1992 and was finally discharged on 29th of September, 1992. Bill of Rs.10,913/- was proved. Total medical expenses of Rs.12,463/- were proved on record that also stand pegged down to 1/3rd holding respondent No.1 to pay 1/3rd share.

5. Tribunal has awarded lump sum amount of Rs.24,000/- which needs to be modified. Medical expenses proved on record are of Rs.12,463/-. Injured remained hospitalized for almost 4 months. Nothing has been awarded under the heads of special diet, attendant charges, pain & suffering and loss of study.

6. Resultantly, Appellant Vinod Kumar is held entitled for Rs.30,000/- on account of attendant charges. Rs.10,000/- for special diet. Rs.20,000/- for future treatment. Rs.25,000/- for loss of 1 year and the amount of Rs.12,500/- awarded for pain and suffering is enhanced to Rs.80,000/-.

7. As a sequel of the aforesaid discussion, the instant appeal is disposed off. The award passed by the Tribunal stands modified to the

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extent as stated herein above. The appellant is held entitled to the compensation as per the modified award along with the interest to be calculated @ 15% per annum as awarded by the Tribunal, from the date of filing of the claim petition till its actual realization.

8. Needless to say that any amount already paid to the appellant shall be set off.

9. Pending application, if any, shall also stand disposed off.

October 03, 2024
Dpr

(Pankaj Jain)
Judge

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