



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

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**FAO-2278-2004 (O&M)
Decided on:19.12.2024**

Rohtash

... Appellant(s)

Versus

Ramphal and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sandeep Singh Ghangas, Advocate
for the appellant.
Mr. D.K. Dogra, Advocate,
for respondent No.3-United Insurance Company Ltd.

SANJAY VASHISTH, J. (Oral)

1. The instant appeal has been filed by the injured Rohtash for seeking modification of the Award dated 07.10.2023 passed by the learned Motor Accident Claims Tribunal, Panipat (hereinafter referred to as the Tribunal), whereby in MACT Case No.88 of 2002, learned Tribunal awarded a lump sum compensation of Rs.30,000/- by considering the injuries suffered by the claimant.

2. Learned counsel for the appellant (claimant) submits that the amount requires to be enhanced for the reason that although, the injuries suffered by the claimant may be simple but he had to incur medical expenses of Rs.18,380/- apart from transportation charges etc. Substantiating his argument, he further points out the medical bills of the amount of Rs.18,380/-, qua which nothing adverse has been observed by the learned Tribunal. Moreover, nothing has been awarded on account of pain and



suffering undergone by the claimant. Therefore, actual amount of compensation is even less than Rs.12,000/-, if the amount of the medical bills is deducted from the total amount of compensation awarded by the learned Tribunal. He thus submits that some reasonable enhancement be made in the compensation amount over and above already awarded by the learned Tribunal.

3. On the other hand, learned counsel appearing on behalf of the United Insurance Company Ltd. (respondent No.3) submits that the reasonable compensation amount has already been awarded by the Tribunal especially in the absence of any disability or the particular evidence to prove the nature of the injuries suffered by the claimant.

4. I have considered the submissions made by the respective counsel appeared on behalf of both the parties.

5. In view of the factual position that the compensation amount awarded by the learned Tribunal, Panipat in favour of the claimant Rohtash is Rs. 30,000/- and admittedly, claimant had suffered certain injuries for which medical expenses were also incurred by him and both the counsels are *ad idem* to the enhanced amount proposed by the Court i.e. Rs. 30,000/- over and above the amount already awarded by the learned Tribunal, it is ordered that an enhanced amount of Rs.30,000/- be paid to the claimant in addition to what has already been awarded by the Tribunal.

6. It is clarified that if respondent insurance company pays the agreed amount, within a period of three months from today, the interest part would not be applicable, however, in case compensation amount is not paid within above mentioned stipulated period, rate of interest would be 9% per



annum from the date of filing of claim petition till its actual realization.

And, in case any further delay is caused beyond six months from today, compensation amount would be payable alongwith interest at rate of 12% per annum from the date of filing of claim petition till its actual realization.

7. Needless to mention that out of the total payable compensation amount, already paid amount (if any) in compliance to the impugned award would be adjusted.

8. All other terms and conditions and observations already made by learned Tribunal would remain intact.

9. **Therefore, with the terms indicated here-above, the appeal is disposed of.**

Misc. application(s), if any, also stand disposed of.

**(SANJAY VASHISTH)
JUDGE**

December 19, 2024

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No