



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

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FAO-2639-2004 (O&M)

Decided on : 18.10.2024

Resham Lal

... Appellant(s)

Versus

Deepak Kumar Sharma and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Deepak Arora, Advocate
for the appellant(s).

Mr. R.C. Kapoor, Advocate
for respondent No.3 – Insurance Company.

SANJAY VASHISTH, J. (Oral)

1. Present appeal has been filed by the injured namely -Resham Lal (hereinafter referred to as 'the claimant'), seeking modification of the award dated 15.01.2004 passed by learned Motor Accident Claims Tribunal, Hoshiarpur (hereinafter referred to as 'learned Tribunal'), in MACT case No.145 dated 30.08.2001/2.06.2003.

2. In the claim petition filed by the claimant, it is pleaded that on 21.05.2001, claimant along with one Amrik Singh(now deceased) were proceeding on scooter bearing registration No.PBH-9935 from Hoshiarpur to Chabbewal. At about 2:45PM , when they reached in the area of Village Jatpur on Hoshiarpur-Mahilpur road, a Maruti Zen Car bearing No. PB-07-H-4144, which was being driven by Deepak Kumar Sharma (respondent no.1), in a rash and negligent manner came from the opposite side and struck against the scooter of claimant . As a result of which, Resham and Amrik Singh both fell down from the scooter and sustained multiple injuries on their persons and scooter. Both of them were transported to Civil Hospital,



Hohiarpur but due to their critical condition they were referred to CMC, Ludhiana. Unfortunately, later on Amrik Singh succumbed to his injuries. Consequently, one FIR bearing No.163/2001, dated 21.05.2001 under Sections 279/337/338/427 I.P.C., was registered on the statement of Sucha Singh who was coming behind the claimant on a separate scooter

Due to the said accident, claimant had suffered a permanent disability of around 84% due to fracture of left leg above the knee and right leg below and above the knee and he was also hospitalized from 21.05.2001 to 6.06.2001, from 19.06.2001 to 20.06.2001 and for the period 06.07.2001 to 30.07.2001(for more than 2 months). He also had to come multiple times for follow up treatment.

3. For the sake of convenience, the compensation awarded by the learned Tribunal is presented in a tabular form here below:-

<i>S. NO.</i>	<i>HEADS</i>	<i>COMPENSATION AWARDED</i>
1.	<i>Loss of Earnings</i>	<i>Rs.1,50,000 /-</i>
2.	<i>Attendant Charges, Special Diet and Transportation</i>	<i>Rs.2,00,000/-</i>
3.	<i>Dressing of wounds and other related services (Medical Expenses)</i>	<i>Rs.50,000/-</i>
4.	<i>Future Medical Expenses</i>	<i>Rs.50,000/-</i>
	<i>TOTAL</i>	<i>Rs. 4,50,000/-</i>

4. Learned counsel for the claimant-appellant contends that compensation of Rs. 50,000/- as awarded by ld. Tribunal towards further operations is on lower side, it needs to be suitably enhanced, keeping in view the ever increasing prices and high cost of living. Also, contends that the amounts awarded towards dressing of wounds and other related expenses and loss of earnings are on the lower side. It is further contention of claimant that Ld. Tribunal has not awarded any amount towards permanent disability,



pain and sufferings, whereas claimant suffered 84% permanent disability in the present case.

5. While defending the findings recorded by learned Tribunal, counsel for the respondents submits that well reasoned findings has been recorded by learned Tribunal and reasonable amount of compensation has been awarded to the claimant. Therefore, same does not require any interference for the purpose of enhancement of compensation amount.

6. Considering the submissions addressed by the Counsel for the parties and after examining the award passed by the Ld. Tribunal, this court is of the considered opinion that the impugned award passed by the Tribunal is liable to be modified, and the amount of compensation awarded by it needs to be enhanced, by applying the settled proposition of law.

7. Adhering to the directives outlined by this Court in *FAO-2377-2004 (O&M)*, titled as, “Manjit Singh vs. Lekh Raj and others”, decided on *13.09.2024*, which is in consonance with the settled proposition of law laid down by the Hon’ble Apex Court in *Raj Kumar vs. Ajay Kumar, (2011) 1 SCC 343*, and other recent judgments, the modified and enhanced compensation is assessed by this Court, which is reproduced below in tabular form:-

HEADS	COMPENSATION AWARDED BY THIS COURT
(A) PECUNIARY	
I. Loss of Future Earnings	Rs. 3,00,000/-
II. Medical Expenses	Rs.1,00,000/-
III. Future medical expenses	Rs.1,00,000/-
IV. Attendant Charges & Special Diet	Rs.1,00,000/-
V. Transportation	Rs.20,000/-
(B) NON-PECUNIARY	
I. Pain & Sufferings	Rs.50,000/-
II. Loss of Enjoyment	Rs.30,000/-
TOTAL	Rs.7,00,000/-



Thus, keeping in view the aim of this beneficial legislation of providing relief to the victims or their families, the total compensation payable to the appellants (claimant) is enhanced to **Rs.7,00,000/- (Rupees Seven Lakhs only)** along with interest at **7.5%** per annum, in the same terms, from the date of filing of claim petition till the date of payment of compensation to the appellant.

7. The awarded amount shall be paid to the claimant within a period of 3 months from the date of this order. In case, the awarded amount is not paid within a stipulated period of 3 months, the same shall be payable with interest @ 9% per annum from the date of this order till its realization.

If any further delay occurs beyond six months from today, and the compensation amount is still unpaid within the aforementioned stipulated period, an interest rate of 12% per annum will apply from the date of filing of claim application till its realization.

8. 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.

Therefore, by partly modifying the award, appeal is allowed with the terms indicated here-above.

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

(SANJAY VASHISTH)
JUDGE

October 18, 2024

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*