

128-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-3581-2013 (O&M)
Date of decision : 16.02.2024

Ram Krishan Singh ... Petitioner(s)
Versus
Vijay Kumar Buglia & Ors. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Preeti Singh, Advocate for the appellant.
Mr. Sanjeev Kodan, Advocate for respondent Nos.1 and 2.
Mr. Mrigank Sharma, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the injured-appellant challenging the award dated 18.05.2013 passed by the Motor Accident Claims Tribunal, Bhiwani, challenging the quantum of compensation.
2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.
3. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Medical bills and treatment charges	Rs.5,13,194/-
2	Costs of transportation, special diet, attendant and loss of income	Rs.60,000/-
3	Pain and suffering	Rs.40,000/-
	Total Compensation	Rs.6,13,194/-
	Interest	6% per annum

4. Learned counsel for the injured-appellant would contend that the injured-appellant in the present case was 72 years of age at the time of the accident and was working as a consultant and was earning Rs.50,000/- per month and hence loss of income ought to have been assessed accordingly. It is further the contention of the learned counsel that the amount awarded towards costs of transportation, special diet and attendant charges is also on the lower side so is the amount under the head 'pain and suffering'.

5. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

6. I have heard the learned counsel for the parties.

7. In the present case there is no evidence qua any consultancy being run by the injured-appellant. Hence, on the basis of minimum wage prevailing at the time of the accident which was Rs.4,348/- per month, an amount of Rs.6,522/- has been awarded to the injured-appellant towards loss of income for a period of 45 days. In the present case since the injured-appellant remained admitted in the hospital from 12.12.2010 to 23.01.2011 (43 days) and was operated upon, this Court deems it appropriate to award attendant charges for a period of two months. Hence, keeping in view the fact that the minimum wage was Rs.4,348/- per month at the relevant time, an amount of Rs.8,696/- (Rs.4,348 x 2) is awarded towards attendant

charges. The amount awarded towards pain and suffering also appears to be on the lower side and hence keeping in view the fact that the injured-appellant remained admitted in hospital from 12.12.2010 to 23.01.2011 (43 days) and was operated, this Court deems it appropriate to enhance the amount from Rs.40,000/- to Rs.1,00,000/- under the head ‘pain and suffering’. The amount of Rs.5,13,194/- already awarded by the Tribunal towards medical bills and treatment charges needs no interference and the same is maintained. The amount of Rs.60,000/- awarded towards transportation and special diet is also maintained. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Loss of income (45 days)	Rs.6,522/-
2	Medical bills and treatment charges	Rs.5,13,194/-
3	Attendant charges (two months)	Rs.8,696/- (Rs.4,348 x 2)
4	Transportation and special diet	Rs.60,000/-
5	Pain and suffering	Rs.1,00,000/-
6	Total Compensation	Rs.6,88,412/-

8. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 6% per annum from the date of filing of the claim petition till the realization of the entire amount.
9. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

16.02.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO