

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**246****FAO No.5813 of 2016 (O&M)
Date of Decision : 19.04.2024**

Om Parkash

....Appellant

VERSUS

Balwinder Singh and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Parminder Singh, Advocate for the appellant.

Mr. Neeraj Khanna, Advocate for respondent Nos.2 and 3.

ALKA SARIN, J. (Oral)**CM-19911-CII-2016**

1. This is an application under Section 5 of the Limitation Act for condonation of delay of 2158 days in filing the present appeal.

2. For the reasons stated in the application, the same is allowed. The delay of 2158 days in filing the present appeal is condoned. However, no interest shall be payable for the period of delay.

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3. The present appeal has been preferred by the claimant-appellant for enhancement of the compensation granted by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal') vide award dated 18.05.2010.

4. 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.

5. In the present case the Tribunal had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Compensation of loss of income for 7½ months @ Rs.13,642/- per month	Rs.1,01,994/-
2	Surgery and Hospitalization charges	Rs.62,690/-/-
3	Medical Bills	Rs.29,784/-
4	Pain and mental agony	Rs.5,000/-
5	Special diet	Rs.10,000/-
	Total Compensation	Rs.2,09,468/-
	Interest	6% per annum

6. Learned counsel for the claimant-appellant would contend that the amounts awarded under the heads ‘Pain and Suffering’ and ‘Special Diet’ are on the lower side. It is further the contention that the claimant-appellant was working as a Conductor in the Haryana Roadways and due to the accident he suffered multiple grievous injuries all over his body including fracture and tear injury of skin over left upper leg and pelvic region. He remained admitted in hospital from 01.03.2008 to 18.03.2008 and again from 02.06.2008 to 04.06.2008 and had also remained on medical leave for 7½ months. However, the Tribunal has not granted any amount towards attendant charges. No other argument has been raised by learned counsel for the claimant-appellant.

7. Learned counsel for respondent Nos.2 and 3 has contended that sufficient amount of compensation has already been granted by the Tribunal and there is no scope of any further enhancement.

8. Heard.

9. In the present case, the claimant-appellant was 56 years of age at the time of accident and had suffered multiple and grievous injuries all

over his body. He suffered a fracture and tear injury of skin over left upper leg and pelvic region. The claimant-appellant remained admitted in hospital from 01.03.2008 to 18.03.2008 and thereafter, from 02.06.2008 to 04.06.2008 and was also advised follow up treatment. The claimant-appellant was working as Conductor in Haryana Roadways and remained on medical leave w.e.f. 29.02.2008 to 06.10.2008. The claimant-appellant was 56 years of age at the time of accident and would have required the assistance of an attendant. However, the Tribunal has not granted any amount towards attendant charges. This Court deems it appropriate to grant Rs.3,000/- per month for a period of 7 months (Rs.3000 x 7 = Rs.21,000) towards attendant charges. The amounts awarded by the Tribunal towards Pain and Suffering as well as Special Diet are also on the lower side and the same are enhanced to Rs.50,000/- and Rs.20,000/- respectively under both the heads.

10. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Compensation of loss of income for 7 ½ months @ Rs.13,642/- per month as awarded by the Tribunal	Rs.1,01,994/-
2	Surgery and Hospitalization charges as awarded by the Tribunal	Rs.62,690/-
3	Medical Bills as awarded by the Tribunal	Rs.29,784/-
4	Pain and suffering	Rs.50,000/-
5	Special diet	Rs.20,000/-
6	Attendant charges for 07 months @ Rs.3,000/- per month	Rs.21,000/-
	Total Compensation	Rs.2,85,468/-
	Amount awarded by the Tribunal	Rs.2,09,468/-
	Enhanced amount	Rs.76,000/-

11. 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. However, the claimant-appellant shall not be entitled to any interest for the period of delay in filing the appeal.

12. 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.

(ALKA SARIN)
JUDGE

19.04.2024
jk

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