

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-9927-2014 (O&M)
Date of Decision : 10.04.2024

TRILOK

.... Appellant

VERSUS

SIYA RAM AND ORS

.... Respondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Dr. Anand Kumar Bishnoi, Advocate for the appellant.

Respondents No.1, 2 and 4 proceeded against *ex parte*
vide order dated 20.10.2015.

Service of respondent No.3 dispensed with
vide order dated 17.07.2017.

Mr. Suvir Dewan, Advocate for respondent No.5.

ALKA SARIN, J. (ORAL)

1.
- The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Palwal vide award dated 01.09.2014.
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 had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	On account of treatment expenses	Rs.2,13,527/-
2	On account of loss of income	Rs.15,000/-
3	On account of disability	Rs.20,000/-
4	On account of pain and sufferings	Rs.10,000/-
5	On account of transportation	Rs.5,000/-
6	On account of special diet	Rs.5,000/-
7	Total Compensation	Rs.2,68,527/-
8	Interest	7.5% per annum

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4. Learned counsel for the claimant-appellant would contend that the claimant-appellant was a diploma holder and was running a mobile shop and that due to the injuries suffered by him, the claimant-appellant was unable to continue his business for a period of three months. It is further the contention that the claimant-appellant had suffered multiple grievous injuries on his right hand, right leg, stomach and right heel besides other injuries on various parts of his body and that he remained admitted in the hospital from 15.02.2012 to 04.03.2012 and was undergoing treatment. Learned counsel would further contend that the amounts awarded on account of disability, pain and sufferings, transportation and special diet are on the lower side.

5. *Per contra*, the learned counsel for respondent No.5-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. It is further contended that no permanent disability was suffered by the claimant-appellant.

6. Heard.

7. In the present case Trilok, who appeared as PW-1, deposed that he had suffered several injuries on his body in the accident and after the accident he was taken to General Hospital, Palwal from where he was taken to Guru Nanak Hospital, Palwal where he remained admitted from 15.02.2012 to 04.03.2012 and was undergoing treatment. Keeping in view the injuries received, the amount awarded under the head pain and sufferings is increased to Rs.1,00,000/- and the amount awarded towards disability

which was assessed as 10% is also increased to Rs.50,000/-. The amount awarded by the Tribunal towards medical expenses and loss of income is maintained. The amount awarded under the head transportation and special diet is also on the lower side and accordingly the same are increased to Rs.20,000/- each. Further, during the period the claimant-appellant remained under treatment he would have required an attendant as well and hence the claimant-appellant would also be entitled to attendant charges @ Rs.5,000/- per month for 3 months.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Medical expenses	Rs.2,13,527/-
2	Loss of income	Rs.15,000/-
3	Disability	Rs.50,000/-
4	Pain and sufferings	Rs.1,00,000/-
5	Transportation charges	Rs.20,000/-
6	Special diet	Rs.20,000/-
7	Attendant charges	Rs.15,000/-
8	Total Compensation	Rs.4,33,527/-

9. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

10. 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.

10.04.2024
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
 Whether reportable: Yes/No