



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

292-A

**FAO-3162-2017 (O&M)
Date of Decision : 04.12.2024**

SUNIL KUMAR Appellant

VERSUS

RAJBIR AND ORS Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Kumar Yadav, Advocate for the appellant.

Mr. D.K. Prajapati, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the injured - Sunil Kumar - aggrieved by the quantum of compensation awarded vide the award dated 11.01.2017 passed by the Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal') on account of the injuries received by him in a motor vehicular accident.
2. The Tribunal had awarded a total amount of ₹77,679 to the injured-appellant on account of injuries received by him out of which ₹37,679 was awarded towards medical bills; ₹10,000 towards transportation, nutritious diet, attendant charges; ₹5,000 under the head loss of income; ₹5,000 under the head pain and suffering and ₹20,000 towards disability.
3. Learned counsel for the injured-appellant would contend that the injured-appellant remained admitted in hospital from 08.11.2014 to 16.11.2014 and also underwent a surgery on 12.11.2014 (Ex.PW-5/A). It is

further the contention of the learned counsel that the injured-appellant was a street hawker and he could not earn his daily wage on account of the fact that he was admitted in the hospital for a period of about 10 days. It is further the contention that the amounts awarded under the heads attendant charges, special diet and pain and suffering are also on the lower side.

4. *Per contra*, the learned counsel for respondent No.3 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.

5. Heard.

6. In the present case it has been proved on the record that the injured-appellant remained in hospital for about 10 days. For the period he remained admitted in the hospital, the injured-appellant suffered loss of income. The minimum wages at the relevant point of time for an unskilled worker was ₹5,547. Hence this Court deems it appropriate to award ₹5,547 towards loss of income for a period of one month. For the period the injured-appellant remained hospitalized, he would have required an attendant and hence an amount of ₹5,547 on the basis of minimum wages is awarded towards one attendant. The amount awarded under the head special diet and transportation is also on the lower side. The same is accordingly increased to ₹10,000. On account of pain and suffering, only an amount of ₹5,000 has been awarded by the Tribunal. Keeping in view the fact that the injured-appellant remained admitted in the hospital for a period of about 10 days, the amount under the head pain and suffering is increased to ₹50,000. ₹37,679

awarded on account of the medical bills is maintained. ₹20,000 has been awarded towards disability which as per the counsel for the injured-appellant was temporary in nature. Hence the same is also maintained.

7. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Loss of income	₹5,547
2	Special diet and transportation	₹10,000
3	Pain and suffering	₹50,000
4.	Medical Bills	₹37,679
5.	Temporary disability	₹20,000
6.	Attendant charges	₹5,547
	Total Compensation	₹1,28,773

8. 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.

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.

04.12.2024
Aman Jain

(ALKA SARIN)
JUDGE

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