



FAO-2206-2020

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

(228)

FAO-2206-2020

Date of decision:- 07.03.2025

Manoj Kumar

... Appellant

Versus

Jitender Parsad and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sushil Sheoran, Advocate
for the appellant.

Mr. Raj Kumar Bashamboo, Advocate
for the respondent No.3.

SUVIR SEHGAL, J. (ORAL)

1. Instant appeal has been filed under the Motor Vehicles Act, 1988 (for brevity hereinafter referred to as “MV Act”) by the injured- Manoj Kumar. Appellant has sought enhancement of compensation granted by the Motor Accident Claims Tribunal (for short “the Tribunal”), Charkhi Dadri vide award dated 08.11.2019.

2. Facts leading to the filing of the appeal are that on 08.12.2016, Manoj Kumar was traveling on a motorcycle to deliver gas cylinders when the offending car bearing registration No. HR-19-J-5889, which was being rashly driven by respondent No.1, came from the opposite direction and struck the motorcycle. Appellant received multiple grievous injuries and was taken to Government Hospital by Vijay Kumar, PW-2. He was later referred to G.H.,

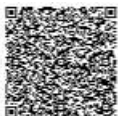
**FAO-2206-2020****-2-**

Bhiwani where he remained admitted from 08.12.2016 to 19.12.2016, for operation of his right hip. An FIR No.458 dated 26.12.2016, Ex.P1, was lodged under Sections 279 and 337, IPC at Police Station, City Dadri. Appellant filed a petition under Section 166 of the MV Act claiming compensation on account of the injuries sustained by him, which has been partly accepted and he has been granted compensation of Rs.75,200/-. Respondents have been jointly and severally held liable to pay the amount, along with interest @ 9% per annum, from the date of filing of the claim petition.

3. I have heard counsel for the parties and have considered their respective submissions, besides examining the requisitioned record.

4. On the basis of the evidence adduced, Tribunal has come to the conclusion that the accident took place on account of rash and negligent driving by respondent No.1 and Manoj Kumar suffered injuries in the vehicular accident. Tribunal found that respondent No.1 had a valid driving license and the offending vehicle was duly insured under insurance policy, Ex.R-1.

5. Appellant sustained multiple injuries and remained hospitalized for a period of 12 days. The medical bills, Mark-B to Mark-V, reflect an expenditure of Rs.48,183/- on medicines, which has been awarded by the Tribunal. Tribunal's award of Rs. 5,000/- under the head of loss of earning, is on the lower side and deserves to be doubled. The amount awarded under the other heads viz transportation charges, special diet and on account of pain and suffering also deserves to be increased in the same ratio. Compensation for damage to motorcycle is rejected as the appellant has not raised this claim in the claim petition.



6. Noticing the nature of injuries suffered by the claimant-appellant and the length of hospitalisation, this Court is of the view that the compensation awarded by the Tribunal has to be enhanced. Compensation payable to the appellant under the various heads is computed in a tabular form as follows:-

Sr. No.	Heads	Compensation Awards
1.	Medical Expenses	Rs.48,183/-
2.	Transportation Charges	Rs.14,000/-
3.	Diet and Nutrition	Rs.10,000/-
4.	Loss of Income	Rs.10,000/-
5.	Pain and Suffering	Rs.20,000/-
6.	Total Compensation	Rs.1,02,183 /-
7.	Less: Award by MACT	Rs.75,200 /-
8.	Enhancement	Rs.26,983

7. In view of the above, appellant is entitled to an enhanced amount of Rs.68,793/-, which is payable by the respondents with interest @ 7.5% per annum from the date of filing of the claim petition till realisation.

8. Appeal is disposed off.

9. As the main case has been decided, pending application(s), if any, is/are disposed off.

07.03.2025
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No