



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO NO.1792 of 2017(O&amp;M)

Date of Order:21.03.2025

Devi Dayal

.Appellant

Versus

Chanan Singh @ Charanjeet and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.K.Agnihotri, Advocate  
for the appellant.

Mr. Nitin Gupta, Advocate  
for respondent no.2

ANIL KSHETARPAL, JUDGE (Oral)

1. This is the claimant's appeal for modification of the Motor Accident Claims Tribunal award. The appellant suffered fracture of right temporoparietal junction (rTPJ) in the accident in question. He remained an indoor patient for a period of 8 days. He took treatment from two different hospitals, namely, KCGMC Hospital and Arvind Hospital, Karnal.

2. The appellant has been awarded Rs.61,640/-, out of which Rs.32,640/- is for reimbursement of medical expenses.

3. The learned counsel representing the appellant contends that towards pain and suffering and loss of income, proper amount has not been awarded. He submits that for loss of income and pain and suffering, Rs.10,000/- each has been awarded.

4. Per contra, the learned counsel representing the Insurance Company submits that proper amount has already been awarded to the appellant.



5. This court has considered the submissions of the learned counsel representing the parties.

6. The Tribunal has found that the appellant had to remain out of work for a period of one month. He was working as a barber. He was self employed. The appellant has suffered fracture of right temporoparietal lobe. His medico-legal report and NCCT brain report are Ex.P8 and Ex.P9. His earning capacity is likely to be affected for some time even if there is no permanent disability.

7. Keeping in view the aforesaid facts, the loss of income is assessed at Rs.25,000/-. For pain and suffering, an equivalent amount of Rs.25,000/- is assessed.

8. Hence, the amount of compensation shall increase by Rs.40,000/- over and above of the amount awarded by the Tribunal. The enhanced amount shall be payable along with interest @ 9% per annum from the date of claim petition till payment.

9. With these observations, the appeal is disposed of.

10. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)  
JUDGE

March 21, 2025

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |