

**FAO-4380-2016 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****(226)****FAO-4380-2016 (O&M)
Date of decision:- 13.05.2025****Madan Gopal and another****... Appellants****Versus****Nishant Sharma and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Aayush Gupta, Advocate for the appellants.

Mr. Mukesh Bhatnagar, Advocate for respondents No.1 and 2.

Mr. Lalit Garg, Advocate for respondent No.3-insurance company.

***********SUVIR SEHGAL, J. (ORAL)****CM-15118-CII-2016**

1. For the reasons given in the application, it is allowed.
2. Delay of 117 days in filing of the appeal is condoned.
3. However, it is clarified that appellant will not be entitled for interest for the period of 117 days.

Main case

4. Instant appeal filed under Section 173 of the Motor Vehicles Act, 1988 (for brevity, "M.V. Act") by the injured-claimants seeking enhancement of compensation granted by the Motor Accident Claims Tribunal (for short "the Tribunal"), Ludhiana vide award dated 30.07.2015.
5. Facts, in brief, leading to the filing of the appeal are that on 14.11.2012, Madan Gopal and Balwinder Pal, appellants, were travelling on a motorcycle.

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Another motorcycle bearing registration No. HP-36-A-7393, which was being carelessly driven by Nishant Sharma-respondent No.1 in a drunken condition, rammed against their motorcycle. Both the appellants received multiple injuries on vital parts of the body. Madan Gopal was taken to the Civil Hospital, Dehra and then referred to DMC, Ludhiana where he was operated upon. An FIR, Ex.P4, No.174 dated 14.11.2012 was lodged under Sections 279 & 337 IPC at Police Station Dehra, District Kangra (H.P). Appellants filed a claim petition under Section 166 of the M.V. Act, which has been partly accepted and appellant, Madan Gopal, has been granted compensation of Rs.1,62,239/-, and insurance company-respondent No.3 has been held liable to make the payment along with interest @ 6% per annum, from the date of filing of the claim petition with liberty to recover the amount from respondents No.1 and 2.

6. Counsel for the appellants has urged that the compensation awarded by the Tribunal is on the lower side and amount awarded under the various heads requires to be suitably enhanced. On other hand counsel for the insurance company-respondent No.3 opposed the contentions raised by the counsel for the appellants.

7. I have heard counsel for the parties and have considered their respective submission.

8. 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 of offending motorcycle by respondent No.1 and Madan Gopal suffered injuries in the vehicular accident. Tribunal found that the driver and



owner of the offending motorcycle failed to produce the driving license as well as Registration Certificate, but the vehicle was insured under insurance policy Ex.RX.

9. Appellants-claimants have examined Kulwinder Singh, PW1, Cashier, DMC Hospital, who produced medical bills as Ex.PW1/1 to Ex.PW1/4. Dr. Rajveer Garg, PW3, deposed that first appellant, Madan Gopal, was admitted in DMC Hospital, Ludhiana on 15.11.2012 on the account of injuries sustained in a road side accident and was discharged on 20.11.2012. He deposed that patient had suffered solid tissue injury with fracture zygomatic arch, posterolateral wall of right orbit with soft tissue swollen and was advised ORIF (Open reduction internal fixation for fracture of zygomatic). Madan Gopal, PW-2, injured has stated in his testimony that he was working as a Clerk with Mr. Nipun Gupta and Mr. Mandeep Madaan, Advocates, District courts Ludhiana and was getting a monthly salary of Rs.10,000/-. He has also produced on record medical bills, prescriptions, x-ray, photographs and receipts as Ex.PW2/1 To Ex.PW2/30.

10. Madan Gopal, sustained multiple injuries and remained under treatment at two different hospitals from 14.11.2012 to 20.11.2012. He was advised surgery. Tribunal has awarded Rs.30,000/- for future medical expenses, which has to be enhanced to Rs.60,000/-. Compensation of Rs.13,200/- awarded towards attendant charges for 66 days at the rate of Rs.200/- per day is increased to Rs.400/- per day. On the account of pain and sufferings, appellant has been granted Rs.30,000/-, which deserves to be doubled. Amount awarded under the other heads viz diet, conveyance charges, loss of earning, future



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earning and on account of loss of amenities is adequate and does not need any modification.

11. Noticing the nature of injuries suffered by Madan Gopal, expenses incurred, length of hospitalization etc., this Court is of the view that the compensation awarded by the Tribunal deserves to be enhanced. Compensation payable to the first appellant, Madan Gopal, under the various heads is computed in a tabular form as follows:

Sr. No.	Heads	Compensation Awards
1	Medical Expenses	Rs.34,039/-
2	Future Medical Expenses	Rs.60,000/-
3	Attendant Charges	Rs.26,400/- (Rs.400/- x 66)
4	Pain and Sufferings	Rs.60,000/-
5	Special Diet	Rs.10,000/-
6	Conveyance Charges	Rs.10,000/-
7	Loss of Earning	Rs.20,000/-
8	Loss of Amenities	Rs.15,000/-
9	Total compensation	Rs.2,35,439/-
10	Less: Award by MACT	Rs.1,62,239/-
11	Enhancement	Rs.73,200/-

12. In view of the above, Madan Gopal, is entitled to an enhanced amount of Rs.73,200/-, which is payable by the respondents along with interest @ 7.5% per annum, from the date of filing of the claim petition till realisation. However, he will not be entitled for interest for the delayed period of 117 days on the enhanced amount.

13. Appeal is disposed of.

13.05.2025

Kamal

(SUVIR SEHGAL)
JUDGE

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