

(1993) 10 P&H CK 0011

High Court Of Punjab And Haryana At Chandigarh

Case No: F.A.F.O. No. 975 of 1986

Sanjay

APPELLANT

Vs

Dharam Singh and Others

RESPONDENT

Date of Decision: Oct. 5, 1993**Acts Referred:**

- Motor Vehicles Act, 1988 - Section 110A

Citation: (1994) ACJ 952 : (1994) 106 PLR 725**Hon'ble Judges:** Amarjeet Chaudhary, J**Bench:** Single Bench**Advocate:** L.M. Suri and Deepak Suri, for the Appellant; G.K. Chathrath, A.G. and Anu Chathrath, for the Respondent**Final Decision:** Allowed

Judgement

Amarjeet Chaudhary, J.

Sanjay, aged 8 years, while travelling in bus from Moga to Jalandhar, met with an accident and sustained injuries. A chim petition u/s 110-A of the Motor Vehicles Act was filed before Motor Accidents Claims Tribunal, Jalandhar, which awarded a sum of Rs. 20,000/- as compensation along with 6 per cent interest, including Rs. 5,000/- on account of medical treatment and travelling in that regard. Dissatisfied with the award, the claimant has preferred this appeal for the enhancement of compensation.

I have heard the learned counsel for the parties and have perused the paperbook.

2. Dr. Satpal Gupta, AW 4, who had given treatment to the claimant, in his statement had stated that general condition of Sanjay was very serious. He was operated upon under local anaesthesia. Accident resulted in the loss of upper limb. The patient was discharged on 17.5.1985. The injury resulted in permanent total disability. The injury could be the result of motor accident. In cross-examination, Dr. Satpal Gupta stated that whole of the upper limb of the injured was crushed with compound

comminuted fractures. The patient was advised follow-up treatment.

3. On the consideration of the matter, I am of the view that taking into account the nature of the injury and the permanent disability, compensation awarded is not sufficient. The claimant is a young boy and has a long life to live. The loss of enjoyment of life on account of the injury as also overall adverse effects of serious disabilities which the appellant has to put up for the rest of his life are also to be taken note of. After the accident, he has become crippled and would be leading an uncomfortable life depending upon others throughout.

4. For the foregoing reasons, the claimant is awarded a lump sum compensation of Rs. 75,000/- for pain and suffering, loss of enjoyment of life and expenses on medical treatment. He shall also be entitled to 12 per cent interest from the date of claim petition till realization. The compensation already awarded by the Tribunal is to be adjusted. No costs.