

(2014) 03 P&H CK 0258

High Court Of Punjab And Haryana At Chandigarh

Case No: F.A.O. No. 3224 of 1999

Ram Kishan

APPELLANT

Vs

Ram Mehar Sharma

RESPONDENT

Date of Decision: March 26, 2014

Citation: (2014) 4 RCR(Civil) 60

Hon'ble Judges: Jitendra Chauhan, J

Bench: Single Bench

Advocate: G.K. Chawla, Advocate for the Appellant; Rajinder Paul for B.S. Rana and R.K. Bashamboo, Advocate for the Respondent

Final Decision: Allowed

Judgement

Jitendra Chauhan, J.

The present appeal has been filed by the claimant-appellant, seeking enhancement of the compensation amount awarded by the learned Motor Accident Claims Tribunal, Gurgaon (for short "the Tribunal"), vide award dated 30.8.1999, on account of the injuries suffered by him in a motor vehicular accident. Learned counsel for the appellant contends that the appellant suffered disability to the extent of 60% qua right lower limb due to the accident. He remained admitted in Ram Manohar Lohia Hospital, Delhi from 24.7.1997 to 12.10.1997. He was operated upon. He remained unable to work for a long period. Therefore, the amount awarded towards pain and suffering, medical expenses, transportation charges and disability is inadequate. No amount has been awarded towards loss of income.

2. On the other hand, the learned counsel for the respondents submit that the compensation awarded by the learned Tribunal is just and adequate. Therefore, the present appeal deserves to be dismissed.

3. I have heard the learned counsel for the parties and perused the record carefully.

4. From the perusal of the record, it emerges that the appellant suffered fractures of both bones of right leg and other multiple injuries on the body on account of the

accident. He remained hospitalised for more than two months and twenty days. The movements of right knee and right ankle were severally restricted and he suffered disability to the extent of 60% qua right lower limb and not of the whole body. He suffered a lot of pain and agony due to the injuries. He must have remained bed ridden for at least one year, but no amount has been awarded towards loss of income. Considering him as a labourer, this Court grants a sum of Rs. 36,000/- (3,000 (monthly income) x 12) towards loss of income, which would meet the ends of justice. The amount awarded towards pain and suffering, disability and transportation appears to be inadequate. No amount has been awarded towards special diet and attendant charges. Therefore, this Court feels that another enhancement under the following heads would meet the ends of justice:

5. Accordingly, the enhanced amount i.e. Rs. 1,58,000/- shall be paid to the claimant-appellant, within 45 days from the date of the receipt of the certified copy of the judgment, failing which, the appellant shall be entitled to get interest @ 8% per annum from the date of the filing of the appeal till its realisation. In view of the above, the present appeal is partly allowed and the impugned Award is modified to the above extent.