

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHFAO No. 704 of 2011 (O&M)
Date of decision: 12.3.2014

Sandeep

Appellant

v

Ramdarshparshad and Ors.

Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Amrinder Singh, Advocate for the appellant
Mr. Prateek Rathee, Advocate for Mr. Sandeep Kotla,
Advocate for respondent Nos.1 and 2
Mr. Suman Jain, Advocate for the respondent No.3

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JITENDRA CHAUHAN J.

1. The present appeal is preferred by the claimant-appellant for the enhancement of the compensation awarded vide Award dated 7.9.2010, passed by the Motor Accident Claims Tribunal, Narnaul (for short the Tribunal) for the injuries sustained by him in a motor vehicle accident on 8.8.2008.

2. Learned counsel for the appellant refers to the disability certificate Ex. P/128 and contends that the appellant suffered permanent disability to the extent of 60.4%. He submits that the appellant was student of B.A.Part-III at the time of accident. The accident occurred due to rash and negligent driving of offending vehicle by respondent No.1. The appellant received multiple injuries in the accident and from an asset he became liability on his family. He further submits that the Ld. Tribunal awarded compensation of Rs. 1,50,000/- for disability; Rs. 92,000/- on account of medical expenses and Rs. 30,000/- for healthy diet and transportation, which is on the lower side. He further contends that just and adequate compensation has not been awarded towards pain and sufferings, loss of comforts and loss of future income.

3. On the other hand, learned counsel for respondent No.3 has submitted that the Ld. Tribunal has awarded just and adequate compensation.

4. I have heard the learned counsel for the parties.

5. There is no dispute that the appellant suffered permanent physical disability to the extent of 60.4%, which rendered him ineligible for all disciplined forces. His bright career is ruined and he became a liability on his family. The accident affected his earning capacity and physical mobility at the threshold of his life.

6. Keeping in view the nature of injuries; young age and qualification of the appellant, this Court feels that ends of justice would be met, if Rs. 10,000/- is granted for healthy diet and transportation and Rs. 3 lacs is granted for loss of earnings, pain and sufferings, loss of comforts and enjoyment towards life and future loss of income.

7. Appeal is partly allowed.

8. The enhanced amount shall be paid within three weeks from the date of receipt of certified copy of this judgment. In case, the amount is not paid within the stipulated period, the appellant shall be entitled to interest @ 7.5% p.a from the date of filing the petition till the date of its realization. The appeal is modified to the extent indicated above.

(JITENDRA CHAUHAN)
JUDGE

12.3.2014
MS