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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-8736-2014

Date of Order:-10.03.2025

Sayra

...Appellant

Versus

Asin and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Ashish Gupta, Advocate
for the appellant.

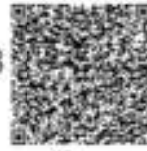
Mr. Arjun Attri, Advocate
for respondent No.1.

Ms. Khushboo Garg, Advocate for
Mr. Nigam Bhardwaj, Advocate
for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

1. Instant appeal has been filed under the Motor Vehicles Act, 1988 (for brevity hereinafter referred to as "MV Act") by the injured, Sahid. Appellant has sought enhancement of compensation granted by the Motor Accident Claims Tribunal (for short "the Tribunal"), Rewari vide award dated 16.12.2013.

2. Facts leading to the filing of the appeal are that on 17.01.2012, Sahid was travelling with Ayyub on the pillion of his



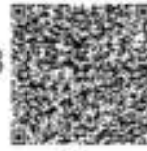
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motorcycle. A Dumper bearing No.HR55E-3707 which was rashly driven by respondent No.1 struck the motorcycle and both the motorcycle riders sustained multiple injuries. They were initially shifted to GH, Nuh, from where they were referred to AIIMS Trauma Centre, New Delhi. Ayyub succumbed to his injuries on 21.01.2012. An FIR No.27 dated 18.01.2012, was lodged under Sections 279, 337, and 304-A, IPC at Police Station, Nuh. Appellant filed a petition under Section 166 of the MV Act claiming compensation on account of the injuries sustained by him, which has been partly accepted and he has been granted compensation of Rs.42,000/-. Respondents have been jointly and severally held liable to pay the amount, along with interest @ 7% per annum from the date of filing of the claim petition. Respondent No.2 – insurance company has been granted rights to recover the amount from respondent No.1, owner – cum – driver of the offending vehicle.

3. I have heard counsel for the parties and have considered their respective submissions, besides examining the requisitioned record.

4. 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 by respondent No.1 and Sahid suffered injuries in the vehicular accident. Tribunal found that respondent No.1 had a valid driving licence and offending vehicle was duly insured under insurance policy.

5. Appellant sustained multiple injuries and remained hospitalized for more than 2 ½ months. The medical bills, Mark-A to Mark-H, Mark-J, and Mark-L, reflect an expenditure of Rs.7,043/- on



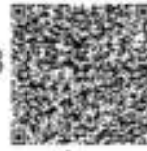
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medicines, which has been awarded by the Tribunal. Tribunal has awarded loss of income @ Rs.6,000/- per month, which deserves to be enhanced to Rs.7,500/- per month as it stands established that the injured was working as a driver. Tribunal has awarded Rs.5,000/- under the head of transportation charges, which deserves to be doubled. Suitable compensation deserves to be granted for attendant charges as well as diet and nutrition. The amount awarded on account of pain and suffering also has to be enhanced to Rs.25,000/-.

6. Noticing the nature of injuries suffered by the claimant and length of hospitalization, this Court is of the view that the compensation awarded by the Tribunal deserves to be enhanced. Compensation payable to the appellant under the various heads is computed in a tabular form as follows:

| Sr No. | Heads | Compensation Awards |
|---------------|------------------------|------------------------------|
| 1. | Medical Expenses | Rs.7,043/- |
| 2. | Transportation Charges | Rs.10,000/- |
| 3. | Attendant Charges | Rs.25,000/- |
| 4. | Diet and Nutrition | Rs.25,000/- |
| 5. | Loss of Income | Rs.18,750/- (Rs.7,500 x 2.5) |
| 6. | Pain and Suffering | Rs.25,000/- |
| 7. | Total Compensation | Rs.1,10,793/- |
| 8. | Less: Award by MACT | Rs.42,000/- |
| 9. | Enhancement | Rs.68,793/- |

7. In view of the above, appellant is entitled to an enhanced amount of Rs.68,793/-, which is payable by the respondents with



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interest @ 7% per annum from the date of filing of the claim petition till realisation.

8. Appeal is disposed off.

9. As the main appeal has been decided, pending application(s), if any, is/are disposed off.

10.03.2025

(SUVIR SEHGAL)
JUDGE

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No