

**The Record of the Case Was Burnt in Accidental Fire in High Vs. K.L.Manchanda .....Appellant**

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**SooperKanoon Citation :** [sooperkanoon.com/1091254](http://sooperkanoon.com/1091254)

**Court :** Punjab and Haryana

**Decided On :** Sep-17-2013

**Appellant :** The Record of the Case Was Burnt in Accidental Fire in High

**Respondent :** K.L.Manchanda .....Appellant

**Judgement :**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH FAO No.5139 of 2002 (O&M) Date of Decision : September 17, 2013 K.L.Manchanda .....Appellant Versus Joginder Singh and another .....Respondents CORAM : HON'BLE MR. JUSTICE NAWAB SINGH Present: Mr.Sanjiv Patiyal, Advocate for the appellant. Mr.Ravinder Arora, Advocate for respondent No.2 Himachal Roadways. NAWAB SINGH J.(ORAL) The record of the case was burnt in accidental fire in High Court Building. Paper-book has been re-constructed with the assistance of counsel for the parties.

2. K.L.Manchanda appellant was travelling in bus bearing No.HP-22-0507 from Delhi to Chandigarh. The bus was owned by Himachal Road Transport Corporation, Hamirpur (HRTC) respondent No.2 and it was being driven rashly and negligently by Joginder Singh respondent No.1. The passengers of the bus tried to persuade the driver to drive the bus carefully, but he did not heed to their advice. When the bus reached near Railway Station, Ambala Cantt, the driver of the bus tried to over-take another vehicle moving ahead of it at a very high speed.

As a result thereof, the driver lost control over the bus and it turned turtle. The appellant suffered multiple injuries.

3. First Information Report (Exhibit P26) was lodged by the Police and the injured were shifted to Hospital.

4. The appellant filed claim application under Section 166 of the Motor Vehicles Act, 1988 before Motor Accident Claims Tribunal, Chandigarh (for short 'the Tribunal'). The Tribunal awarded compensation of Rs.33,313/- along with interest at the rate of 9% per annum under the following heads:- FAO No.5139 of 2002 (O&M) [2]. Medical Expenses Rs.7,813/- Permanent disability and loss of Rs.7,500/- income Pain and Suffering Rs.15,000/- Special Diet Rs.3,000/- 5. Dissatisfied with the quantum of compensation, the appellant has filed the instant appeal.

6. A perusal of the record shows that the appellant suffered fracture of right lower leg. He remained admitted in Post Graduate Institute of Medical Sciences from May 29, 1997 to June 02, 1997, that is, for five days. He also remained under treatment upto June 26, 1999, as is evident from Discharge and Follow-up Card (Exhibit P24). The disability certificate (Exhibit P25) shows that he became disabled to the extent of 17%. The medical bills (Exhibit P1 to P23) amounting to Rs.7823/- were also tendered in evidence.

7. Considering the injuries and the agony suffered by the appellant, particularly the fact that a man of 59 years remained under treatment for such a long time, this Court is of the opinion that it would be just and reasonable if the amount of compensation is enhanced to Rs.1,00,000/-.

8. Hence, the appeal is partly allowed and the Award of the Tribunal is modified to the extent that the appellant is held entitled to total compensation of Rs.1,00,000, that is, Rs.66,687/- (1,00,000-33313) over and above the amount awarded by the Tribunal. The interest on the enhanced amount of Rs.66,687/- shall be paid from the date of filing claim application till the amount was deposited by the respondent Corporation under the impugned Award at the same rate of interest as was awarded by the Tribunal. September 17, 2013 ( NAWAB SINGH ) `gian' JUDGE

