

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

**FAO No.455 of 1993
Date of decision: 25.03.2015**

Gurdeep SinghAppellant

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE K.C. PURI.

Present: Mr. Sushil Sharma, Advocate
for Mr. Gurcharan Dass, Advocate
for the appellants.

Mr. L.C. Aggarwal, AAG, Punjab.

K.C. PURI J. (Oral)

This is an appeal directed by the appellant, namely, Gurdeep Singh, against the award dated 03.12.1992, for enhancement of compensation.

The brief facts of the case are that on 19.09.1991, the appellant received injury in a motor vehicular accident and he preferred a claim petition on account of injury sustained by him. The learned Tribunal after adjudication, accepted the claim petition and allowed a sum of Rs.2,46,200/-. The detail of which is given as under:-

Rs.2,18,880/- was allowed on account of 76% disability by taking his income as Rs.1500/- per month, another

sum of Rs.10,000/- was allowed in respect of pain and suffering and loss of future enjoyment. The medical expenses were allowed to the extent of Rs.11,320/-. Rs.6,000/- was allowed in respect of attendant charges for one year.

Learned counsel for the appellant has submitted that the amount of Rs.2,18,880/- on account of 76% disability is on the lower side on the following ground that income of Gurdeep Singh, was pleaded as Rs.10,000/- from dairy farming and running a spare part business. So, the income of the appellant Rs.1500/- per month taken for the purpose of allowing multiplier is on the lower side.

However, I have considered the said submission made by learned counsel for the appellant, but do not find any force in that submission. There is no cogent evidence to prove the income for the price index prevailing in the year 1991, when the accident has taken place and the amount of Rs.1500/-, cannot be said to be on lower side.

Learned counsel for the appellant has further submitted that amount granted in respect of pain and agony and loss of future enjoyment to the tune of Rs.10,000/- is on the lower side. So, the claimant is held entitled to claim Rs.40,000/- in respect of pain and agony and loss of future enjoyment instead of Rs.10,000/- awarded by the Tribunal.

Another sum of Rs.10,000/- stands allowed in respect

of special diet, transportation, etc., which has not been allowed by the learned Tribunal. So, in these circumstances, the claimant is held entitled to claim Rs.40,000/- in addition to the amount awarded by the learned Tribunal. The said amount shall carry interest @ 7.5% per annum from the date of application till payment.

The liability to pay the amount shall be same as awarded by the Tribunal.

The appeal stands partly accepted to the extent mentioned above.

A copy of this order be sent to learned Tribunal for compliance.

(K.C. PURI)
JUDGE

25.03.2015
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