

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

1. FAO No.1201 of 2002

Chet Ram

.....Appellant

Versus

Rakesh Kumar and others

.....Respondents

2. FAO No.1202 of 2002

Het Ram

.....Appellant

Versus

Rakesh Kumar and others

.....Respondents

Date of Decision: 14.7.2015

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? Yes

Present: Mr.Ashit Malik, Advocate, for the appellants.

Mr.R.N.Singal, Advocate for respondent No.3-Insurance Co.

SHEKHER DHAWAN, J.

The present appeals are against the award dated 9.8.2001, whereby the Tribunal awarded compensation to the tune of ₹1,30,000/- on account of 75% permanent disability suffered by Chet Ram injured and ₹40,000/- on account of 10% disability suffered by Het Ram injured in motor vehicular accident having taken place on 2.5.1999.

2. Learned counsel for appellants took plea that the Tribunal has not awarded just compensation because Chet Ram was aged about 26 years and was working as driver. He had suffered 75% permanent disability. He was to live on the mercy of some attendant so as to lead his remaining part of life. Similarly, Het Ram, who was 28 years of age at the time of accident, had suffered 10% disability. But the Tribunal has just awarded a meagre amount of ₹ 40,000/-. The amount of compensation be enhanced suitably.

3. Learned counsel for respondent No.3 took plea that the tribunal has already taken care of all the medical expenses incurred by the claimants. Rather the tribunal awarded more than expenses incurred by the claimants. The tribunal has also awarded sufficient amount on account of pain and suffering, loss of earnings and other heads. There are no grounds for further enhancement.

4. Having considered the rival contentions raised by counsel for both the parties, this Court is of the considered view that the Tribunal has not awarded just compensation. Keeping in view the fact that the injured in both the cases were just 26 and 28 years respectively. The accident has certainly reduced the earning capacity of claimants during the treatment period and for the remaining part of their life. Even the prospectus of enjoyment of life and married life of appellants adversely affected. But the tribunal has not awarded 'just compensation' and the same should be enhanced. There cannot be any hard and fast rule for determining the amount of compensation and some what guess work has to be done to award the amount of compensation. Accordingly, in both the cases, amount of compensation is being enhanced. In the case of **Chet Ram** injured, total compensation shall be ₹ 2,50,000/- (against the awarded amount of ₹

1,30,000/-and in the case of **Het Ram**, the total amount of compensation shall be ₹ 80,000/- (against the awarded amount of ₹ 40,000/-). The amount of compensation in both the cases shall be payable from the date of filing of claim petition along with interest at the rate of 7.5 % per annum.

5. Accordingly, both the present appeals are disposed of.

14.7.2015
AS

(**SHEKHER DHAWAN**)
JUDGE