

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2613 of 1999 (O&M)
Date of Decision:29.09.2015

Raghunath

....Appellant

Versus

Puran Mal and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Sandeep Vermani, Advocate for the appellant.

None for respondent No.3-New India Assurance Company.

NAVITA SINGH, J.

1. This appeal is preferred against the award dated 15.6.1996 passed by Motor Accident Claims Tribunal, Gurgaon (Tribunal for short), whereby compensation to the tune of Rs.76,400/- was awarded on account of injuries suffered by the appellant in an accident occurred on 2.1.1996. Enhancement of the compensation is sought.

2. The only contention on behalf of the appellant here was that the amount given for pain and suffering was inadequate and so was the amount given for permanent disability, which was to the tune of 30%. The appellant had undergone three surgeries, but this fact was practically ignored by the Tribunal. No one is contesting the appeal from the other side, though earlier the Insurance Company was represented.

3. The amount on account of permanent disability and pain and suffering, thus, calls for enhancement. Though the accident took place long back i.e. in 1996, yet the fact that the appellant had undergone tremendous agony, mental and physical, and that there was permanent disability of 30%, cannot be ignored. The amount on the above two counts is required to be enhanced.

4. The amount for pain and suffering is enhanced from Rs.20,000/- to Rs.50,000/- and for permanent disability from Rs.30,000/- to Rs.60,000/-. Therefore, the total compensation would come to Rs.60,000/-. Enhanced amount shall fetch interest @ 6% per annum.
5. The appeal is disposed of in the above terms.

(NAVITA SINGH)
JUDGE

29.09.2015

Ishwar

Whether to be referred to reporter: Yes