

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 2847 of 1999 (O&M)
Date of decision 29.04.2015.

Major Dharam Vir Nehra

..... Appellant.

versus

Ramesh Pal Singh and others

..... Respondents.

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

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

Present : Shri Sagar Aggarwal, Advocate for
Shri Ashit Malik, Advocate for the appellant.
Shri Neeraj Khanna, Advocate for Insurance Company.

K.C.PURI, J.

This is an appeal directed by Major Dharam Vir Nehra against the Award dated 26.03.1999 passed by R.C.Gupta, Motor Accident Claims Tribunal, Karnal for enhancement of compensation.

2. Briefly stated Major Dharam Vir Nehra filed claim petition claiming compensation under Section 166 of the Motor Vehicles Act, 1988 (in short – the Act) on account of injuries sustained by him in a motor vehicular accident.
3. The learned Tribunal after adjudication, partly allowed the claim petition and granted a sum of Rs.1,50,000/-, the details of which is

given as under :-

Compensation on account of expenditure on special diet and salary of attendant etc.	Rs.10,000.00
Compensation on account of pain and suffering during the period of treatment	Rs.15,000.00
Compensation on account of future loss of amenities of life, pain and suffering, future loss of promotion on account of permanent physical disability i.e. on account of removal of left eye.	Rs.1,25,000.00
Total	Rs.1,50,000.00

4. Major Dharam Vir Nehra has filed this appeal for enhancement of compensation.

5. Counsel for the appellant has submitted that the Tribunal has itself held that left eye of the appellant, who was in army has been removed on account of motor vehicular accident.

6. Counsel for the appellant has further submitted that amount of Rs15,000/- in respect of pain and suffering during the period of treatment is on lower side. Amount of Rs.1,25,000/- in respect of future prospectus, loss of amenities of life, pain and suffering and loss of promotion is on lower side. It is further submitted that the chances of further promotion of the appellant has become bleak. So, the amount of compensation is on lower side.

6. The counsel for the Insurance Company has supported the award. It is submitted that amount of compensation is adequate.

7. I have given my thoughtful consideration to the rival submissions made by both the sides and have gone through the records of

the case.

8. The admitted fact on the record is that left eye of the appellant has been removed and he has become permanent disable to the extent of 50%. No doubt, there is no evidence that the appellant has been retired on account of injuries sustained by him due to motor vehicular accident but his chances of further promotion has become bleak. So, the amount of Rs.1,50,000/- in this regard is on lower side. The plight of an army officer, whose left eye has been removed can be well imagined. He is likely to avoid the social gathering due to inferiority complex due to removal of his eye. However, this Court has to grant the compensation keeping in view the price index prevailing in the year 1997.

9. So, keeping in view all the circumstances, the ends of justice would be met in case the claimant is allowed a sum of Rs.4,00,000/- in all which includes the amount allowed by the Tribunal also.

10. So, in view of the above discussion, the appeal is partly accepted. The claimant is held entitled to claim Rs.4,00,000/- in respect of injuries sustained by him in motor vehicular accident. The enhanced amount of Rs.2,50,000/- shall carry interest @ 7½% per annum from the date of claim petition before the Tribunal till the date of realization.

11. A copy of this judgment be sent to the Tribunal for strict compliance.

(K.C.PURI)
JUDGE

April 29, 2015

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