

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

FAO No.3786 OF 2001 (O&M)
DATE OF DECISION : 11th SEPTEMBER, 2015

Prof. Jagjit Singh Grewal (since deceased) through LRs

.... Appellant(s)

Versus

Harbans Kaur (since deceased) through LRs & others

.... Respondent(s)

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. R. K. Shukla, Advocate for the appellant(s).

Mr. Lalit Garg, Advocate for respondent No.3-National Insurance Company.

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SURINDER GUPTA, J. (ORAL)

1. This is appeal against the award dated 15.02.2001 passed by Motor Accident Claims Tribunal, Patiala (later referred to as the Tribunal), filed by legal heirs of Jagjit Singh Grewal who met with accident with motor vehicle and was allowed compensation of ₹75,000/-.

2. The case of the claimant Jagjit Singh Grewal was that on 20.05.1994 he along with his friend was going from Solan towards Patiala in Fiat Car No.PJR-7413. When they reached near Banur truck No.CHW-6451 (later referred to as offending vehicle) came from Rajpura Side and tried to overtake a tractor trolley. Respondent No.2-Kulwant Singh while driving the truck in a rash and negligent manner lost control over it, as a consequence of which the truck hit the car resulting in multiple injuries to

claimant who was employed as lecturer. He was a veteran athlete and represented India. An amount of ₹15,000/- was spent on his treatment.

3. In reply filed by respondent Gurmit Singh, legal heir of owner of the offending vehicle it was alleged that the accident had taken place due to the rash and negligent driving of the car bearing No.PJR-7413 by its driver.

4. The insurance company while denying the accident took the plea that due to breach of terms of the policy insurance company is under no liability to pay compensation to the claimant. The Tribunal on the basis of evidence calculated the compensation for injured Jagjit Singh as follows:

Sr.No.	Head	Amount (₹)
1.	Permanent disability	10,000
2.	Medical expenses	20,000
3.	Pain & suffering	10,000
4.	Special diet	10,000
5.	Conveyance	5,000
6.	Future prospects	20,000
7.	Total	75,000

5. Learned counsel for the appellant has argued that injured Jagjit Singh remained admitted in Rajindera Hospital from 21.05.1994 to 24.05.1994 and had also suffered 10% disability. The Tribunal while calculating the compensation has not allowed any compensation for the attendant and loss of amenities for the injured, as Jagjit Singh was a veteran athlete and was deprived of taking part in the sports activities. He has further argued that the compensation allowed for pains and suffering and permanent disability is also on lower side.

6. Learned counsel for respondent has argued that the accident had taken place in 1994. The Tribunal while calculating the compensation

of ₹75,000/- has taken into account the disability suffered, pain and suffering, special diet, conveyance and even the future prospects and has awarded the adequate compensation on all the heads, as such, the compensation awarded call for no interference.

7. Dr. Amarjit Singh Singh Grover had attended the claimant in the Surgery Unit-V of Rajindra Hospital, Patiala. He has stated that claimant Jagjit Singh was admitted in the hospital on 21.05.1994. At that time he had the history of bleeding from gums with some respiration difficulty in the form of pain on deep breathing. He had stitches over left parietoccipital region of scalp and stitched wound over right arm. The claimant had alleged that he had spent ₹50,000/- on medical expenses but could not produce any documentary evidence in this regard. He suffered 10% disability but there is nothing on record to show that this disability has in any manner affected his earning capacity or has come in the way of his future promotions etc. The claimant claims himself to be veteran athlete who represented India. The injury and disability suffered by him have certainly resulted in loss of amenities of life for the claimant. Though the Tribunal has looked into all the other aspects while awarding the compensation but has not allowed any compensation for the attendant and loss of amenities of life for the claimant. The compensation allowed for other heads as tabulated in para 4 (above) calls for no interference. In addition to the compensation already allowed, the claimant is also held entitled to the compensation for expenses of attendant and loss of amenities of life as ₹10,000/- on each accounts.

8. The Tribunal while awarding the compensation allowed three months time to insurance company to pay the compensation amount, failing which the claimant were allowed interest @ 10% per annum from the date of filing of the claim petition till realization of it. It is to be noted that the claim petition was filed in November, 1994 and was finally disposed of on 15.02.2001 by the Tribunal. There is no reason to deny the interest to the claimant on the award amount from the date of filing of the claim petition.

9. As a result of my above discussion this appeal is allowed to the extent that the amount of compensation already allowed by tribunal is enhanced from ₹75000 to ₹95,000/-. The claimant shall also be entitled to interest on the amount of compensation from the date of filing of the award till the date of actual payment @ 7.5 per cent per annum. As an incentive to respondent No.3 to make payment at the earliest, it is ordered that in the event of the entire payment being released within a period of three months from the date of this judgment, the future interest shall be payable @ 7 % per annum instead of 7.5% per annum. The counsel fee is assessed @ ₹10,000/-.

11th September, 2015
'raj'

(SURINDER GUPTA)
JUDGE