

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

FAO No.5599 of 2002 (O&M)

Date of Decision: 26.08.2015

Tulsi Dass Sharma

....Appellant

Versus

Jaiwant Singh Kang and others

....Respondents

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

Present: Mr. Ashwani Arora, Advocate
for the appellant.

Mr. Suvir Dewan, Advocate
for respondent No.3.

K.C. PURI J. (Oral)

This is an appeal directed by the injured-claimant claiming compensation to the tune of Rs.5,00,000/- in respect of injuries sustained by him in a motor vehicular accident which took place on 05.12.1999.

The learned Tribunal after adjudication partly accepted the claim petition and allowed a sum of Rs.55,000/-.

The injured-claimant has directed the present appeal for enhancement of compensation.

Learned counsel for the appellant has submitted that the Tribunal has allowed a sum of Rs.55,000/- under the heads mentioned below:-

1. Pain and suffering

Rs.30,000/-

2. Loss of income for a period of two months	Rs.20,000/-
3. Extra diet, conveyance, etc.	Rs.5,000/-
TOTAL	Rs.55,000/-

Learned counsel for the appellant has further submitted that application under Order 41 Rule 27 CPC was filed and the same allowed by this Court and Dr. Rajinder Kumar Kanojia, Add. Professor, Department of Orthopedics, PGIMER, Chandigarh, has been examined, who has stated that he has examined the patient, who was suffering from Ankylosing Spondylites with fracture healed C 5-6 fracture without Neurological deficit. This doctor has assessed physical disability to the extent of 26% in relation to his body and his functional disability has also been assessed to that extent. This doctor has further stated that re-assessment is not recommended and Disability Certificate Ex.PX has been proved by him.

Learned counsel for the appellant has further contended that the injured-claimant remained admitted in the hospital from 05.12.1999 to 06.12.1999 and in PGIMER, Chandigarh from 16.12.1999 till 28.12.1999. It is also submitted that traction was applied for his neck injury. So, in these circumstances, the amount of compensation of Rs.55,000/- is on lower side.

On the other hand, learned counsel for the insurance company has supported the award of the Tribunal.

I have considered the submissions made by learned

counsel for both the parties and have gone through the record of the case.

By way of additional evidence, the claimant has been able to prove that he has suffered 26% permanent disability and functional disability as per Disability Certificate Ex.PX. So, in these circumstances, the amount of Rs.55,000/- in the year 1999 as compensation to the claimants is on lower side. The ends of justice would be met in case, another sum of Rs.1,00,000/- is allowed to the claimant in addition to the amount already awarded by the Tribunal. So, a sum of Rs.1,00,000/- more is granted to the claimant in addition to the amount already awarded by the Tribunal on account of pain and suffering, medical expenses, disability, etc. The said amount shall carry interest @ 7.5% per annum from the date of application till payment. The liability to pay the enhanced amount shall be same as ordered by the Tribunal.

Appeal stands disposed of, accordingly.

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

26.08.2015

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(K.C. PURI)
JUDGE