

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

FAO No.1303 of 2007 (O&M)

Date of Decision: 10.07.2015

Shobit Kumar

.....Appellant

Versus

Gurcharan Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers 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:- Ms. Amandeep Kaur, Advocate for
Mr. Ashwani Arora, Advocate,
for appellant.

Mr. Manmohan Advocate for
Mr. Suman Jain, Advocate,
for respondent No.3.

SHEKHER DHAWAN, J (ORAL)

Appellants have filed the present appeal against award dated 09.11.2004 by Motor Accident Claims Tribunal, Chandigarh (hereinafter referred as 'The Tribunal') whereby 'The Tribunal' awarded compensation to the tune of ₹9,600/- as compensation on account of injuries having been sustained by appellant-claimant in motor vehicle accident which took place on 23.02.2003.

2. The only prayer made by appellant is that the appellant suffered 5% permanent disability and as a result of that he had suffered financial loss on account of actual earnings and future earnings, pain and suffering. He had to spend sufficient amount for transportation charges but 'The Tribunal'

has not considered these aspects while awarding compensation.

3. Learned counsel for respondent took the plea that 'The Tribunal' has already awarded 'Just Compensation' taking into consideration the injuries suffered by claimant and there are no grounds for further enhancement and appeal be dismissed.

4. Having considered the rival contentions raised by learned counsel for the parties this Court is of the view that 'The Tribunal' has not assessed reasonable amount as compensation keeping in view the fact that appellant had suffered 5% disability also. In such like cases of road accident it is not possible for the injured or his attendants to procure and preserve all the bills regarding medical expenses and other expenditure on account of transportation charges, etc. The disability of 5% shall be carried throughout his life because he was of the age of 20 years. That will certainly effect his future earnings and further prospects of future earnings as well.

5. In view of the above the awarded amount of compensation re-assessed to be ₹15,000/- in lump sum. Appellant shall be entitled to the interest @ 7.5% per annum on the enhanced amount from the date of filing of the claim petition till its realization.

6. Appeal partly accepted.

(SHEKHER DHAWAN)
JUDGE

July 10, 2015
msd