

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.6331 of 2010 (O&M)
Date of Decision:24.02.2015

Vishnu Kumar

....Appellant

Versus

Balwant Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Shashi Kumar Yadav, Advocate for the appellant.

Mr. Arun Sharma, Advocate for
Mr. T.K. Joshi, Advocate for respondent No.3-
Reliance General Insurance Company Ltd.

NAVITA SINGH, J.

1. This appeal is filed against the award dated 3.5.2010 passed by Motor Accident Claims Tribunal, Rewari (Tribunal for short), whereby compensation to the tune of Rs.2,89,069/- was granted to the appellant on account of injuries received by him in a motor vehicle accident which took place on 27.12.2008. He came up in appeal for enhancement.

2. Learned counsel for the appellant argued that 18% disability was suffered by the appellant, which was proved by Dr. Ashok Saini, who stated that there was restricted movement of the right knee, hip and left wrist of the appellant with weakness and little deformity of the left hand. The appellant was working at hardware shop where he used to lift heavy articles but after the injury he could not do any heavy work. He was not adequately compensated for the disability.

3. The next argument was that a cumulative sum of Rs.25,000/- was given for expenditure on transportation, special diet, attendant and loss of

income, which was highly inadequate. Similarly, the amount of Rs.20,000/- for pain and suffering was much on the lower side as initially the appellant remained hospitalized and had to undergo prolonged treatment later on.

4. Counsel for the other side argued that the orthopedic surgeon, who proved the disability, stated in the cross examination that some improvement in the disablement was possible with the passage of time and physiotherapy. However, it may be pointed out that nothing was said by the doctor concerned that there could be considerable reduction in the disability or that the appellant would be able to do the kind of work as he was doing, without discomfort.

5. So far as the disability itself is concerned, the appellant was adequately compensated. However, under the other heads, the compensation was inadequate. It is, therefore, ordered that under head No.3 in para 20 of the award i.e. transportation etc., the amount would stand enhanced from Rs.25,000/- to Rs.1,00,000/- while under the next head i.e. pain and suffering, the amount shall stand enhanced to Rs.45,000/- from Rs.20,000/-. Thus, total amount of compensation is, therefore, enhanced by Rs.1,00,000/-. Interest would be payable @ 6% per annum on the enhanced amount.

6. The appeal is partly allowed.

(NAVITA SINGH)
JUDGE

24.02.2015
Ishwar

Whether to be referred to reporter: No