

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

**FAO No.1238 of 2012 (O&M)
Date of Decision: June 30, 2015**

Asif minor through his father Appellant

vs.

Janu @ Jan Mohd. and another Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Ashish Gupta, Advocate for the appellant.

Mr. R.S. Madan, Advocate for respondent No.2.

- 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?*

Kuldip Singh J.(Oral)

CM-5088-CII-2012

There is a delay of 17 days in filing the present appeal.

For the reasons mentioned in the application, delay of 17 days in filing the present appeal is condoned.

Application stands disposed of.

FAO-1238 of 2012

This is an appeal filed by the claimant-injured for enhancement of compensation against the Award dated 19.10.2011 passed by the Motor Accident Claims Tribunal, Nuh (in short 'the Tribunal').

Brief facts of the case are that on 18.05.2010, Asif (minor) aged about 6-7 years was standing near the shop of one Jakir. His right leg was ran over by a dumper bearing registration No.HR-74-0105. The injured was removed to Al-Afia Civil Hospital, Madhikhera and thereafter, Kalyan Hospital, Alwar, where he remained admitted from 19.05.2010 to 22.05.2010. There his right leg was amputated from knee. FIR No.108 of 2010, under Sections 279, 337 and 338 IPC was registered at Police Station Nagina against the owner and driver of the offending dumper. The Tribunal awarded a lump-sum compensation of ₹5,50,000/- (rupees five lac fifty thousand only) along with interest @ 6% per annum from the date of filing of the claim petition till its realization.

The claimant-injured is not satisfied with the compensation and seeks enhancement.

I have heard learned counsel for the parties and have also carefully gone through the case file.

Learned counsel for the appellant has argued that the claimant-injured was only 6-7 years old and a lump-sum compensation of ₹5,50,000/- has been awarded considering the loss of enjoyment of life and other losses and on various grounds including employment.

However, the disability certificate (Ex.P22) shows that right leg of the claimant-injured was amputated from his knee and

there was 75% disability. No compensation on account of artificial leg was awarded. Nor any compensation for replacement of artificial leg was allowed, which the claimant-injured will require after certain years.

Therefore, considering the facts and circumstances, a sum of ₹1,50,000/- (rupees one lac fifty thousand only) over and above the compensation awarded by the Tribunal, is allowed for the artificial leg and its replacement thereafter in future after a passage of certain time. The enhanced compensation shall be paid with interest @ 7.5% per annum from the date of filing of the claim petition till its realization.

Accordingly, the appeal is allowed to the aforesaid extent.

June 30, 2015
sarita

(KULDIP SINGH)
JUDGE