

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.6093 of 2011 (O&M)
Date of Decision:22.01.2015

Ram Parkash

....Appellant

Versus

Paramjit Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Sanjay Jain, Advocate for the appellant.

None for respondents No.1 & 2.

Mr. Suvir Dewan, Advocate for respondent No.4-
Oriental Insurance Company Ltd.

NAVITA SINGH, J.

1. No one has appeared for respondents No.1 and 2. Their appeal filed by way of FAO No.6143 of 2011 has been dismissed in default today as no one had appeared for them on six hearings. For that reason, the other parties have been heard in this appeal and respondents No.1 and 2 are proceeded against ex parte.

2. The claimant, aggrieved by the amount of compensation granted to him by Motor Accident Claims Tribunal, Ambala (Tribunal for short), filed the appeal for enhancement. The amount awarded by the Tribunal was Rs.4,03,275/- and liability to pay the same was of the driver and owner while the Insurance Company was exonerated.

3. Counsel for the appellant pointed out that the leg of the appellant was amputated from the thigh while he was posted as teacher in Government Secondary School, Adhoya and he was permanently disabled to the extent of

80%. Only meagre amount of Rs.80,000/- was awarded by the Tribunal towards compensation for the disability. Also regarding pain and suffering, the amount awarded was only Rs.20,000/- and another sum of Rs.10,000/- was given cumulatively for special diet, transportation charges and attendant. The award was assailed on the ground of quantum stating that besides compensation for medical expenses, the amount awarded under the other heads was pittance.

4. Counsel for the Insurance Company had nothing to say as the liability was on the other respondents.

5. The appellant had lost his leg from thigh below with permanent disability to the extent of 80%. The Tribunal, therefore, gravely erred in amounting just Rs.80,000/- on that count. Similarly, an amount of Rs.20,000/- was also too small for the pain and suffering of the appellant and so was the amount of Rs.10,000/- for attendant and special diet etc.

6. It is, therefore, ordered that the appellant shall be entitled to Rs.3,00,000/- for disability including the amount already awarded, Rs.70,000/- for pain and suffering and Rs.40,000/- for special diet etc. The amount already awarded shall stand enhanced by Rs.3,00,000/-. Enhanced amount shall bear interest at the rate of 6% per annum and liability to pay shall remain the same as held by the Tribunal.

7. The appeal is disposed of in the above said terms.

**(NAVITA SINGH)
JUDGE**

22.01.2015
Ishwar

Whether to be referred to reporter: No