

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4134 of 2012 (O&M)
Date of Decision:13.10.2015

Rinku

....Appellant

Versus

Alyas Khan and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Ms. Ekta Thakur, Advocate for the appellant.

Mr. Sandeep Suri, Advocate for respondent No.3-
National Insurance Company Ltd.

NAVITA SINGH, J.

1. The Motor Accidents Claims Tribunal, Chandigarh (Tribunal for short) passed the impugned award on 6.3.2012 granting compensation to the tune of Rs.48,609/- to the appellant, who was injured in a motor vehicle accident on 21.6.2008. Dissatisfied with the amount of compensation, the appeal was filed.

2. Counsel for the appellant argued that the accident took place in 2008 in which the appellant was injured and he incurred disability to the extent of 10% in relation to the right upper limb, which was permanent in nature, as per medical opinion. She relied on Master Mallikarjun Vs. Divisional Manager, The National Insurance Company Ltd. and another 2015 (1) SCC (Civil) 335 in which for permanent disability upto 10%, an amount of Rs.1,00,000/- was awarded. However, in the said case, the disability was much greater and the same was detailed in para 4 of the judgment. Here an amount of Rs.20,000/- was awarded for disability, Rs.10,000/- for pain and suffering, Rs.5,000/-for special diet and Rs.5,000/- for transportation. Counsel for the Insurance Company argued that the amount awarded under all the requisite heads was sufficient and no enhancement was called for.

3. So far as the amount for disability is concerned, since it was the right upper limb of the injured, it is felt that there must be an impairment of quality of work to be done by him and, therefore, the amount is enhanced from Rs.20,000/- to Rs.40,000/-. An amount of Rs.5,000/- is also awarded for special attendant. Under the other heads, no enhancement is called for nor it was seriously pressed. Thus, the total compensation is enhanced by Rs.25,000/-. Enhanced amount shall fetch interest @ 6% per annum.

4. The appeal is allowed in the above terms.

(NAVITA SINGH)
JUDGE

13.10.2015

Ishwar

Whether to be referred to reporter: No