

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4431 of 2012 (O&M)
Date of Decision:23.01.2015

Tirlok Singh

....Appellant

Versus

Sant Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

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

Ms. Kamalpreet, Advocate for respondents No.1 & LR of respondent No.2.

Mr. Amrinder Singh Sidhu, Advocate for respondent No.3.

NAVITA SINGH, J.

1. The appellant filed the present appeal for enhancement of the compensation granted by Motor Accident Claims Tribunal, Panchkula (Tribunal for short) on account of the injuries suffered by him in a motor vehicle accident, which took place on 5.7.2010.

2. Counsel for the appellant argued that disability of the appellant/injured was assessed to the extent of 20% but nothing separately was awarded on that count. She submitted that out of the total compensation of Rs.89998/-, the expenses for treatment were awarded to the tune of Rs.60,998/-. It was stated that the remaining amount granted cumulatively under all the other heads, without specifying anything, was on the lower side. The court did not consider the physical and mental suffering of the appellant, his loss of income and his expenditure towards special attendant, diet and transportation etc.

3. Counsel for the Insurance Company, however, argued that the disability was not permanent and could have reduced with the passage of time. He, however, could not show that it was proved on record that the disability was

temporary and could have improved with time. Also his argument that the remaining amount besides expenses on treatment was sufficient and adequate is not convincing.

4. It is, therefore, ordered that an amount of Rs.1,00,000/- shall be payable to the appellant over and above the amount already awarded which will include the compensation for disability, pain and suffering, special attendant and diet etc.

5. The appeal is allowed in the above said terms.

**(NAVITA SINGH)
JUDGE**

23.01.2015
Ishwar

Whether to be referred to reporter: No