

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

FAO-5996-2012(O&M)

Varun AroraAppellant

versus

Joginder Singh and anotherRespondents

AND

FAO-6170-2012

Date of Decision: 20.05.2015

Ankur MongaAppellant

versus

Joginder Singh and anotherRespondents

CORAM HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present Mr. Vishal Goyal, Advocate for the appellant.

None for respondent no.1.

Mr. Nikunj Dhawan, Advocate
for Mr. Harsh Aggarwal, Advocate
for respondent no.2 Insurance Company.

SHEKHER DHAWAN, J

These two separate appeals seeking enhancement of compensation awarded by the Tribunal vide award dated 12.04.2012.

Learned counsel for the appellant submits that in case of **Ankur Monga** there was permanent disability to the extent of 10% and the age of victim was 24 years and he was unmarried. He has been awarded meager amount of ₹20,000/- on account of disability though he remained as indoor patient for eight days. The permanent disability has adversely affected his matrimonial prospects, loss of earnings and enjoyment of life. So amount of compensation be enhanced suitably.

While arguing for **Varun Arora**, learned counsel for the appellant also took the similar pleas that claimant had suffered

20% permanent disability and he was awarded ₹40,000/- only on account of permanent disability, though claimant was also of the age of 25 years and unmarried young boy. Permanent disability adversely affected his earning capacity, loss of earnings and future enjoyment of life and matrimonial prospects. He also remained as indoor patient for about 8 days and he had to take follow up treatment, as well.

While arguing on these appeals, learned counsel for respondent no.2 - Insurance Company took the plea that the Tribunal has already awarded just compensation because entire medical expenses have been reimbursed. Claimants have been compensated on account of permanent disability as well

Having considered rival submissions made by learned counsel for both the parties, this Court is of the considered view that though Tribunal awarded compensation keeping in view the amount spent on treatment of both the claimants, but adequate amount was not awarded in view of 10% permanent disability suffered by **Ankur Monga** and 20% permanent disability suffered by **Varun Arora**. Apart from that both the claimants were unmarried. Rather they were of marriageable age and the permanent disability had certainly adversely affected upon their matrimonial prospectus as well as loss of earnings for the period when they remained as indoor patients and loss of earnings for future, as well.

Hence, the amount of compensation awarded in case of **Ankur Monga v. Joginder Singh and another (FAO-6170-2012)** enhanced by ₹50,000/- and in case of **Varun Arora v. Joginder Singh and another (FAO-5996-2012)** awarded amount is enhanced by ₹75,000/-, which shall be payable from the date of claim petition.

Respondent no.2 – Insurance Company shall make payment of the enhanced amount within 45 days from today, failing which the claimants shall be entitled to receive interest @ 7.5% p.a, as well. Remaining conditions regarding payment and interest shall remain unaltered.

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Both the appeals partly allowed.

20.05.2015 (SHEKHER DHAWAN)
mamta JUDGE