

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

FAO No.6479 of 2012 (O&M)
Date of Decision: 21.05.2015

Ram Chander

.....Appellant

Versus

Asruddin and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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| 1. Whether Reporters of local papers may be allowed to see the judgment? | Yes |
| 2. To be referred to the Reporters or not? | |
| 3. Whether the judgment should be reported in the Digest? | Yes |

Present:- Mr. P.R.Yadav, Advocate,
for appellant.

None for respondent No.1.

Respondent No.2 already ex parte.

Mr. Amit Jaiswal, Advocate,
for the respondent No.3-Insurance company.

SHEKHER DHAWAN, J

Present appeal has been filed against award dated 23.07.2012 passed by Motor Accident Claims Tribunal, Gurgaon (hereinafter referred as 'The Tribunal') whereby 'The Tribunal' awarded compensation to the tune of ₹2,40,000/-.

2. Appellant has mainly took the plea that motor vehicle accident took place on 08.02.2011 involving car bearing registration No.HR-26AQ-2031 and tanker bearing registration No.HR-55F-4681. Claimant sustained

grievous and serious injuries. Resultantly he suffered 30% disability on account of right eye optic atrophy. The said disability was proved as per statement of PW-6 Dr. Priya Sharma. He was of the age of 32 years and driver by profession. The said disability had resulted into loss of income for the period from 08.02.2011 till 15.02.2011, the period when he remained unpaid. The said disability also resulted into future loss of income and pain and suffering but 'The Tribunal' has not awarded 'Just Compensation'.

3. Mr. Amit Jaiswal, learned counsel for respondent No.3- Insurance company took the plea that all the medical expenses and other expenses have already been reimbursed to him. He has been duly compensated on account of loss of right eye optic atrophy and pain and suffering as well. So the appeal is without any merit and be dismissed.

4. Having considered the rival submissions made by learned counsel for both the parties this Court is of the considered view that there is no dispute that the appellant had sustained injuries in motor vehicle accident which resulted into 30% disability qua his right eye. The vision factor is much important in case of driving and the said permanent disability of 30% is qua right eye optic atrophy which adversely affect his proficiency as driver and profession and income as well. Because of the same injury he shall have to suffer throughout his life. Though 'The Tribunal' compensated the appellant with reimbursement of medical expenses of ₹1,89,000/-. But he has not been duly compensated on account of loss of income (actual and notional earnings for the future as well), pain and suffering and the same certainly require enhancement.

5. Hence the amount of compensation is enhanced by ₹1,20,000/- (towards loss of income ₹70,000/- and qua pain and suffering ₹50,000/-)

which shall be payable by respondent-insurance company from the date of claim petition. Appellant shall be entitled to the interest @ 7.5% per annum on the enhanced amount from the date of filing of the claim petition till its realization. However, remaining conditions regarding apportionment and disbursal of amount shall remain unaltered.

6. The appeal is partly accepted.

(SHEKHER DHAWAN)
JUDGE

May 21, 2015
msd