

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2400 of 2014 (O&M)

Date of Decision:13.10.2015

Chhote Lal

....Appellant

Versus

Munshi Ram and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. B.K. Bagri, Advocate for the appellant.

Mr. P.K. Jangra, Additional A.G., Haryana for respondents
No.2 & 3.**NAVITA SINGH, J.**

1. This appeal is preferred against the award dated 15.10.2013 passed by Motor Accidents Claims Tribunal, Rewari (Tribunal for short), whereby an amount of Rs.55,500/- was awarded to the appellant on account of injuries suffered by him in a motor vehicle accident. Dissatisfied with the amount of compensation, the appeal was filed.

2. Counsel for the appellant argued that there was 20% disability on account of comprehension of L1 Vertebra. It was wrongly observed by the Tribunal that the said disability did not interfere in the capacity of the appellant to work as a barber. He contended that an amount of Rs.40,000/- granted cumulatively for the disability and pain and suffering etc. was not adequate. State counsel, however, argued that sufficient amount had already been granted and nothing was shown that the appellant had incurred such kind of disability as had rendered the appellant incapacity for carrying on his vocation.

3. Counsel for the appellant relied on Raj Kumar Vs. Ajay Kumar and another 2011 (1) SCC 343. The facts of the decided case, however, are quite different. The nature of permanent disability according to the specific part of the body and also the extent thereof has to be considered in every case. Disability in

certain part of the body may render the injured almost fully incapacitate while in certain cases even if disability is otherwise permanent, the injured person is not affected that much.

4. However, since the appellant was injured in the spinal code, it is felt that some enhancement is called for in the amount granted for disability and pain and suffering. It is, therefore, directed that the appellant shall be paid an amount of Rs.50,000/- over and above the amount already given for disability and pain and suffering etc. Under the other heads, no enhancement is called for. Thus, the compensation is enhanced by Rs.50,000/-.

5. The appeal is disposed of in the above terms.

**(NAVITA SINGH)
JUDGE**

13.10.2015
Ishwar

Whether to be referred to reporter: No