

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

FAO No.4227 of 2014 (O&M)

Date of Decision: 14.05.2015

Sham Lal

.....Appellant

Versus

Mukal Arora and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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

Present:- Mr. Vikram Bali, Advocate,
for appellant.

Mr. M.B.Jain, Advocate,
for respondent No.2.

SHEKHER DHAWAN, J (ORAL)

Appellant-claimant being aggrieved of passing of award dated 02.12.2013 by Motor Accident Claims Tribunal, Panchkula (hereinafter referred as 'The Tribunal') is in appeal against quantum of compensation.

2. Claimant sustained injuries in motor vehicle accident and suffered 10% disability qua particular limb and 5% qua whole body.

3. Mr. Vikram Bali, learned counsel for appellant submitted that appellant has not been awarded 'Just Compensation' because appellant remained as indoor patient for 15 days and suffered loss because of pain and suffering, loss of income. Even entire medical expenses against which receipts were produced before 'The Tribunal' has not been reimbursed. So

the amount of compensation be enhanced suitably.

4. Mr. M.B.Jain, learned counsel for respondent No.2-Insurance Company urged that 'Just Compensation' has already been awarded, so appeal be dismissed.

5. Having considered the rival contentions raised by learned counsel for the parties, this Court is of the considered view that 'The Tribunal' has not awarded adequate compensation in this case as the appellant suffered 10% disability though qua particular limb. Medical bills were produced before 'The Tribunal' to the extent of ₹68,500/- and against such bills only ₹35,000/- were reimbursed. Appellant also suffered loss of income for the period when he remained as indoor patient and he is to suffer loss of income because of his permanent disability. The amount of compensation having not been assessed adequately, the same re-assessed to be ₹1,00,000/- from the date of claim petition.

6. The enhanced amount of compensation be paid within 45 days from today failing which appellant shall be entitled to receive interest @ 7.5% per annum.

7. In view of the above, the present appeal is partly allowed.

(SHEKHER DHAWAN)
JUDGE

May 14, 2015

msd