

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

FAO-6178-2014 (O&M)

Date of decision: 17.11.2015

Bijender

...Appellant

Versus

Lalita and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.JP Sharma, Advocate for the appellant

SNEH PRASHAR, J.

CM-16823-CII-2014

The present application under Section 5 of the Limitation Act has been filed for condonation of delay of 123 days in filing the appeal.

For the reasons enumerated in the application, the same is allowed. Delay of 123 days in filing the appeal is hereby condoned subject to all just exceptions.

Main appeal

The present appeal has been filed by the claimant-appellant, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Narnaul, vide award dated 18.9.2013, on account of the injuries suffered by him in a road side

accident.

The submissions made by learned counsel for the appellant have been considered.

Learned counsel for the appellant contends that due to the injuries sustained by the appellant, he has suffered 25% permanent disability qua the the left upper limb and as a result thereof has lost promotion benefit in service. He is presently serving in CRPF and after retirement he would not get any re-employment. Submitting that the compensation awarded by learned Tribunal is on the lower side, learned counsel prayed that just and adequate compensation be awarded to the appellant.

It is not a matter in issue that the appellant suffered injuries during a motor vehicular accident which led to 25% permanent disability of left upper limb on account of brachial plexus injury. He was 29 years of age and was serving in CRPF at the time of accident. No evidence was produced by the appellant to prove that he had been denied promotion on account of the disability suffered by him. It is also not the case that there has been reduction in his salary or he is not being given increments and other service benefits. Since the disability is 25% qua left upper limb, learned Tribunal taking the same as 7% permanent functional disability has awarded a sum of Rs.3,01,665 towards loss of future income, which is just and proper. In addition to the same, learned

Tribunal has awarded compensation under various heads as follows:-

1. Medical expenses Rs.3,19,782/-
2. Pain and suffering Rs.40,000/-
3. Special diet Rs.30,000/-
4. Transportation Rs.30,000/-
5. Loss of amenities Rs.75,000/-

All the medical bills Ex.P1 to P18A exhibited by the appellant have already been allowed to him by the Tribunal. The amount awarded under other heads appears to be just and adequate.

In view of the above, the award passed by learned Tribunal warrants no intervention. As such, the present appeal being devoid of merit is dismissed.

17.11.2015
gsv

(SNEH PRASHAR)
JUDGE