

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

FAO No.47 of 2015

Date of Decision: January 7, 2015

ICICI Lombard General Insurance Co. Ltd.

...Appellant

Versus

Manjeet Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rajbir Singh, Advocate
for Mr. Sanjeev Goyal, Advocate
for the appellant-Insurance Company.

FATEH DEEP SINGH, J.

This is a challenge by the Insurer to an award dated 1.9.2014 passed by the learned Motor Accident Claims Tribunal, Rewari, whereby, a sum of ₹41,61,824/- was awarded as compensation along with interest @ 6% per annum. It is pertinent to mention here that initially the injured-Manjeet Singh preferred claim petition and consequent upon his death, the same was continued by his legal representatives.

Upon hearing learned counsel for the appellant-Insurer.

The learned counsel for the Insurer does not at all challenges the manner of the accident and the findings of the learned Tribunal qua issue No.1. What has sought to be assailed before this Court is over the quantum of compensation. It is not questionable that deceased at the time of the accident was working

as an Inspector in Excise and Taxation Department and has proven salary to the tune of ₹50,000/- per month and was aged around 48 years. Through the deposition of PW6 Ravinder Singh, Senior Technician, Medical Record Department, Medanta Hospital, Gurgaon the claimant has proved medical bills Ex.PW6/B, PW6/C, PW6/E, PW6/F and PW6/G of the expenses incurred on his treatment and through his affidavit Ex.PW1/A claimed that he has spent almost ₹30,00,000/- on his treatment and has to undergo 4-5 surgical operations and remained on leave for almost 225 days. The medical Board through PW2 Dr. R.B. Yadav has proved disability to the extent of 42%, shortening of the left lower leg and weakness of the muscles with post-traumatic stiffness. Further the case of claimant is corroborated by the deposition of PW9 Anil Kumar, Assistant Deputy, Excise and Taxation Department on the basis of documents PW9/A and PW9/B. Learned Tribunal though has not specifically defined each and every head under which the compensation has been awarded and has awarded compensation under the heads pain and sufferings, medical expenses, loss of amenities, loss of income during hospitalisation and special diet and attendant charges and failed to consider the future loss on account of disability and the likely impact it had on the day to day life of the person and repercussions on his mental health, welfare and beauty. Thus, the learned Tribunal has awarded a meagre compensation having ignored these vital aspects.

The learned counsel for the Insurer could not instil any confidence in his arguments how the compensation so awarded was not commensurate with the evidence led on the records.

Thus, finding no merit in the instant appeal the same stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

January 7, 2015
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