

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

F.A.O. No.852-2003 (O&M)
Date of decision : 30.03.2016

Amandeep Singh

..... Appellant

versus

Sukhmit Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Maharaj Kumar, Advocate
for the appellant.

Mr. Neeraj Khanna, Advocate
for the respondent No.6-
National Insurance Company.

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?

AJAY TEWARI, J. (Oral)

This appeal has been filed by the claimant for the enhancement of compensation and to modify the award dated 08.10.2002 on account of injuries suffered by the appellant in a motor vehicular accident.

Brief facts are that on 29.09.1998 the appellant was going in Jeep No.PB-10-Q-5668 to Ludhiana from village Ram-Raj. Respondent No.1 was driving the Jeep with rash and negligent manner and at a very high speed. Appellant asked him to drive the vehicle slowly and carefully but he did not bother and when they reached near Bus Stand Nilokheri, then

a truck bearing registration No.HIA-6454 was found wrongly parked by respondent No.4 on the road but respondent No.1 due to high and rash speed could not control the jeep and hit with the truck on its back side and with that impact, appellant sustained serious multiple injuries on various parts of his body. The Tribunal held that the accident was caused due to the negligence of both respondents No.1 and 4. As a result of the accident he suffered multiple grievous injuries. As per the statements of Dr.S.K.Agnihotri and Dr.Rama Nand, the appellant suffered disability in the right eye and left upper limb which may be upto 30% and 80% respectively and it has been certified that there is no prospect of any improvement.

The Tribunal has awarded an amount of Rs.1,30,000/- along with interest @ 9% p.a. i.e. Rs.20,000/- on account of treatment and special diet, Rs.10,000/- on account of pain and suffering and Rs.1,00,000/- on account of loss of income and affect on his prospective future.

Learned counsel for the appellant has argued that though the disability has been computed but nothing has been awarded on that account. He has further argued that there is a disability of 30% in the vision of one eye and 80% disability of one upper limb and it has been certified that there is no prospect of any improvement. In these circumstances, I deem it appropriate to award Rs.30,000/- for the loss of 30% vision and Rs.80,000/- for the loss of use of upper limb. Ordered accordingly. Apart from that the learned counsel has argued that the appellant was an agriculturist and since one of his arm has become virtually useless he is actually almost 100% functionally disabled and the amount of Rs.1.00 lac awarded on this account

is highly inadequate.

Mr. Neeraj Khanna, Advocate for respondent No.6 is not in a position to refute this argument also. Resultantly, I award an amount of Rs.90,000/- more for functional disability. The increased amount shall be paid with interest @8% p.m. from the date of filing of the application till the date of payment.

The appeal is allowed in the above terms and the award is modified accordingly.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

March 30, 2016

pooja sharma-I

**(AJAY TEWARI)
JUDGE**