

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

**FAO No.2029 of 2000
Date of decision : 29.02.2016**

Giani Ram

.....Appellant

Versus

Gurmail Singh and another

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Gagandeep Rana, Advocate for appellant.

Mr. Vinod Gupta, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred by appellant-claimant Giani Ram against the award dated 09.05.2000 passed by learned Motor Accidents Claims Tribunal, Kaithal (hereinafter called the 'Tribunal'), vide which a sum of Rs.50,000/- has been awarded to him along with interest @ 12% per annum from the date of filing the claim petition till realisation on account of the injuries suffered by him in the motor vehicular accident, which took place on 23.10.1997.

2. This appeal has been preferred by the claimant for enhancement of the amount of compensation.

3. I have heard learned counsel for the parties and gone through the paper-book.

4. Learned counsel for the appellant-claimant contended that

the claimant has suffered 15% permanent disability as a result of the injuries caused in this accident. He has been awarded very less amount towards disability and other heads.

5. On the other hand, learned counsel for the respondent No.3- Insurance Company contended that the learned Tribunal has computed just and appropriate compensation.

6. I have considered the aforesaid contentions.

7. The learned Tribunal has awarded Rs.20,000/- towards medical charges, hospitalization, medicines, special diet, transportation and attendant charges. The learned Tribunal has awarded Rs.10,000/- towards pain and suffering and loss of income during the period of treatment and Rs.20,000/- towards loss of future amenities of life and future loss of income due to disability.

8. As per the statement of PW4 Dr. S.K. Jain, the claimant has suffered 15% permanent physical disability. He proved the disability certificate Ex.P22. The claimant has deposed that he was working as the Branch Post Master in the village as part time employee. Learned counsel for the claimant has pleaded that he was also working as an agriculturist but the claimant has not deposed that he was also having any income by working as agriculturist. The claimant has also not placed on record any revenue document to show that he owned and possessed any agricultural land. So, the learned Tribunal has rightly taken the income of the deceased to be Rs.2000/- per month. The claimant has not led any evidence to show that his service have been terminated due to the injuries received in this accident or that he has suffered any financial loss. However, keeping in view

the fact that he has suffered 15% physical disability due to shortening of the left leg to the extent of 1 ¼ inch. So, this disability will certainly affect his physical capacity to do work at least after his retirement. So, the claimant shall be entitled to a sum of Rs.15,000/- towards the physical disability suffered by him. Rs.20,000/- awarded by the learned Tribunal under 3rd head shall be considered towards the loss of amenity and enjoyment of life. The learned Tribunal has awarded only Rs.20,000/- to the claimant towards medical expenses, hospitalization charges expenditure in purchasing the medicines, expenditure on special diet, transportation and attendant. This amount is enhanced to Rs.25,000/-. In this manner the compensation to the tune of Rs.20,000/- is increased raising the total amount of Rs.50,000/- to Rs.70,000/-.

9. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation is enhanced to Rs.70,000/- from Rs.50,000/- as awarded by the learned Tribunal. The claimants shall be entitled to interest on the enhanced amount from the date of filing the petition till realization at the rate of interest as awarded by the learned Tribunal. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

29.02.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**