

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1954 of 2002

Date of Decision.18.05.2016

Ashok Kumar

.....Appellant

Vs.

Govt of India through Camp Commandant and another

.....Respondents

Present: Mr. Rahesh Arora, Advocate
for the appellant.

None for the respondents.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The appeal is for enhancement of compensation for injuries suffered in a motor accident. The appellant who was 30 years of age had been operated twice for fracture of the knee and the Tribunal assessed a compensation of ₹1,25,806/-. The details of various heads of claim awarded would indicate that the Tribunal had provided for medical expenses in full and had quantified certain amounts for disability as well as for loss of earning capacity. The Tribunal had also factored medical expenses at ₹10,000/- for future.

2. The counsel is aggrieved that the Tribunal has not provided adequately for loss of future earning which has been merely ₹25,000/-. I cannot understand as to how a fracture of the leg that required a surgical intervention would cause any reduction of his earning in future.

If the Tribunal has provided for ₹25,000/-, it has done more than what

was appropriate in a situation and the appellant must be satisfied for the same. The Tribunal has also provided ₹10,000/- for disability for loss of amenities which I would reckon must be taken along with ₹25,000/- which is granted for loss of future earning and that will constitute appropriate sum for the loss of amenities for life as well.

3. If there is any one head which has not been appropriately assessed, it is pain and suffering for a person who had two episodes of hospitalization and surgical intervention. I will provide for an additional sum of ₹25,000/- as going towards pain and suffering and allow the same to be taken up by the petitioner with interest @7.5% from the date of petition till the date of payment. The liability shall be on the 1st respondent.

4. The award already passed is modified and the appeal is allowed to the above extent.

(K. KANNAN)
JUDGE

May 18, 2016
Pankaj*