

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

FAO-883-2001 (O&M)
Date of Decision: 02.03.2016

Prem Singh

...Appellant

Versus

Parmod Kumar Sharma and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Deepali Puri, Advocate with
Ms. Suman Devi, Advocate for the appellant.

Mr. Lalit Garg, Advocate
for respondent No.3.

JITENDRA CHAUHAN, J. (Oral)

CM-10892 and 20929-CII of 2015

Allowed as prayed for, subject to all just exceptions.

FAO-883-2001

The present appeal has been filed by the injured-claimant, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Chandigarh, ('the Tribunal', for brevity) vide award dated 29.09.2000.

2. The learned counsel for the appellant contends that the appellant was 42 years of age at the time of the accident. The

appellant suffered multiple and grievous injuries including fracture. He was operated upon. He suffered permanent disability to the extent of 65%, in relation to right lower limb, whereas, impairment in relation to his whole body was assessed as 22%. In view of the injuries, the compensation awarded under the different heads is grossly inadequate and deserves to be enhanced.

3. On the other hand, the learned counsel for respondent No.3-Insurance Company has vehemently opposed the present appeal on the ground that just and reasonable compensation has already been awarded to the appellant. He states that appellant is a Govt. servant and 70% of the amount incurred by the appellant during treatment, has been reimbursed to him

4. I have heard the learned counsel for the parties and perused the record.

5. In the instant case, the appellant suffered impairment qua his whole body to the extent of 22%, which is duly proved from the testimony of Dr. Aditya Aggarwal, Assistant Professor, PGI, Chandigarh, who had stated that two operations were carried out on the appellant. He remained hospitalized from 13.01.1997 to 24.02.1997. As per the disability certificate, Ex.P9, the appellant suffered disability to the extent of 65% qua right lower limb. The learned Tribunal has awarded a sum of Rs.30,000/-, on

account of pain and suffering, which, keeping in view the injuries and disability suffered, is inadequate. Therefore, the same is enhanced to Rs.45,000/-. It is further asserted that two bills amounting to Rs.2,67,803/- Ex.A2 and A3 have been brought on record for the expenses incurred towards post operation treatment. The appellant is a Govt. servant. The learned counsel for Insurance Company admits that 70% of the amount incurred has been reimbursed to the appellant. Accordingly, it is ordered that the remaining 30% of the amount i.e. Rs. 80341/- shall be reimbursed out of the total amount of Rs.2,67,803/-.

6. In view of the above, the claimant-appellant is held entitled to enhanced compensation of Rs.95341/-, as indicated above, over and above the amount already awarded by the learned Tribunal, which shall be payable within a period of 45 days from the date of receipt of certified copy of this judgment, failing which, he shall also be entitled to interest @ 7.5% p.a., from the date of filing the present appeal, till its realization.

7. With the aforesaid modification in the impugned award, the present appeal is partly allowed.

02.03.2016

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**(JITENDRA CHAUHAN)
JUDGE**