

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

**F.A.O. No.3324 of 2006 (O&M)
Date of Decision : 17.05.2016**

Davinder Kumar

..... Appellant

versus

Balvinder Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. Monika Arora, Advocate
for Mr. Rajesh Goel, Advocate
for the appellant.

Mr. D.P. Gupta, Advocate
for respondent No.3-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 against the award dated 20.04.2006 under Section 163-A of the Motor Vehicle Act granting compensation of Rs.2,40,000/- alongwith interest @ 7.5% p.a. on account of the fact that he lost his right foot in in a motor vehicle accident. Since the controversy is within a very small ambit, detailed reference to the fact is not required.

Learned counsel for the appellant has argued that the Tribunal erred in computing the loss of earning at only 50% because it was proved

that the appellant was a driver. As per her, in a case of a driver who losses his right foot the loss of earning cannot be only 50%.

Learned counsel for the respondent No.3-insurance company points out that under the head of medical expenses as well as under the head of pain and suffering the Tribunal had already awarded a sum of Rs.70,000/- in excess and even if the loss of income is taken at 75% the same would be set off against the higher amount paid under the aforesaid heads.

Learned counsel for the appellant is not in a position to deny these factual assertions.

In the circumstances, I find no fault with the findings of the Tribunal. Appeal is dismissed.

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

May 17, 2016

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**(AJAY TEWARI)
JUDGE**