

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

FAO No.4143 of 2011 (O&M)

Date of decision: November 18, 2016

Piyush Aggarwal

... Appellant

Versus

Arun Yadav & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Amandeep Kaur, Advocate for the appellant.

Mr. Ashok Yadav, Advocate respondent No.2.

Mr. T.K. Joshi, Advocate for respondent No.3.

Rajan Gupta, J.

Claimant has challenged the findings of the tribunal on the limited question of computation of compensation.

Learned counsel for the appellant submits that tribunal has erred in not granting adequate compensation under usual heads like pain and suffering, permanent disability, loss of income etc. and even no amount has been awarded for attendant. He, thus, submits that reasonable amount may be granted to the appellant under the aforesaid heads separately.

Learned counsel for respondent No.3 Insurance Company submits that adequate compensation has been awarded for the injuries suffered by the appellant.

I have heard learned counsel for the parties and given careful

thought to the facts of the case.

It appears that accident took place on 14.03.2008, in which appellant suffered injuries. The tribunal held that accident had taken place on account of rash and negligent driving of the offending vehicle i.e. Indica Car No.DL3C-AX-1429, driven by respondent No.1. As a result of said accident, appellant, suffered injuries on various parts of his body including permanent disability to the extent of 32%. After accident, appellant was taken to Civil Hospital, Derabassi, from where he was referred to PGIMS, Chandigarh, where he remained admitted upto 21.4.2008. The tribunal granted compensation to the appellant as under:-

SR.NO.	Head		Amount
1.	Loss of earning	:	Rs.48,000.00
2.	Medical expenses	:	Rs.24,057.00
3.	Compensation on account of 32% permanent disability	:	Rs.64,000.00
4.	Expenses incurred on transportation	:	Rs.10,000.00
5.	Compensation on account of pain and suffering	:	Rs.10,000.00
6.	Expenses incurred on nutritious diet	:	Rs.10,000.00
	TOTAL:	:	Rs.1,66,057.00

Admittedly, appellant remained admitted in PGIMS, Chandigarh for more than one month i.e. from 15.03.2008 to 21.04.2008. Prior to the accident, he was employed with a private firm and during his treatment he remained without any job. The appellant also suffered 32% permanent disability. In my considered view, compensation granted on account of pain and suffering, loss of income as well as permanent

disability are on the lower side. So, the appellant would be entitled to another sum of Rs.30,000/- for pain and suffering, Rs.20,000/- more for loss of income and another sum of Rs.65,000/- on account of loss of income. Moreover, as the tribunal has not granted any amount for attendant, therefore, appellant would also be entitled to another sum of Rs.10,000/- towards attendant. In this way, the total enhanced compensation comes to Rs.1,25,000/-. The appellant would also be entitled to interest @ 7.5% per annum on the enhanced amount from the date of filing of claim petition till payment. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

November 18, 2016
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No