

203.

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

FAO No.457 of 2011 (O&M)

Date of decision:12.05.2016

Avnish Kumar

... Appellant

versus

Joginder and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Arun Yadav, Advocate,
for the appellant.

Mr. Inderjit Sharma, Advocate,
for Mr. R.C. Gupta, Advocate,
for respondent No.4.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

There is no scope for enhancement of claim for compensation considering the fact that the injury in one eye which was assessed as resulting in 20% disability has been compensated to an extent of ₹ 1,25,000/-. The court has also provided for a higher sum of ₹50,000/- for disability to the right eye over and above of ₹1,25,000/-. Such an assessment is unknown to law and the petitioner must be happy that he has been awarded with the amount which he ill-deserved. The grievance is that the Tribunal has

awarded only ₹5,000/- for medical expenses. The pecuniary head of claim is bound to be established by proof of actual expenses incurred. With no better proof available than the amount provided for, I find there is no error in the said assessment also. The Tribunal has provided for ₹10,000/- for pain and suffering and ₹10,000/- for special diet. There is no case made for enhancement. The appeal is dismissed.

(K.KANNAN)
JUDGE

12.05.2016
sanjeev