

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

FAO-4730-2011 (O&M)

Date of Decision: 22.04.2016

Dilbagh Singh

...Appellant

Versus

Avtar Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. B.S. Jaswal, Advocate for the appellant.

Mr. Karminster Singh, Advocate
for respondent No.3.

JITENDRA CHAUHAN, J. (Oral)

The present appeal has been filed by the injured-claimant, seeking enhancement of the amount of compensation awarded by learned Motor Accidents Claims Tribunal, Amritsar, ('the Tribunal', for brevity) vide award dated 23.03.2011.

2. The learned counsel for the appellant refers to disability certificate Mark B to contend that the same has not been considered on the ground that the certificate in question was issued by the Civil Surgeon, Amritsar who has not been examined, whereas the disability has been proved by Dr. Iqbal Singh Ghai. The appellant is a young man of 22 years and suffered multiple grievous injuries including fracture of both his legs in the accident. He remained hospitalized for

21 days at the first instance and thereafter for another period of ten days, however, no compensation has been granted towards transportation and attendant charges. The awarded amount under other heads is also on lower side.

3. 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.

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

5. The accident is not in dispute. Considering the fact that the injury reflected in the disability certificate was suffered in the accident in question, the competent authority has issued a certificate in this regard which is duly proved by the treating doctor, therefore, this Courts feels that this not ought to have been discarded only on the ground that the issuing authority was not examined. Accordingly, the appellant is held entitled to Rs.80,000/-, towards permanent disability, keeping in view the law laid down by this Court in ***Ram Kiran Goyal Vs. Sub Divisional Engineer, Mechanical, 2008(2) R.C.R. (Civil) 103***, i.e. Rs.2,000/- for every one per cent of disability. Furthermore, keeping in view the nature of injuries and extent of disability suffered, the amount of Rs.10,000/-, awarded towards the head 'pain and suffering', is also enhanced to Rs.30,000/-. It has been noticed that no amount has been awarded towards transportation and attendant

charges. Accordingly, an amount of Rs.5000/- towards transportation charges and Rs.10,000/- is awarded under the above two heads. Though, there is no proof on income but being a able bodied person, the appellant must have remained bed ridden for a considerable period, therefore, an amount of Rs.10,000/- is awarded towards loss of income after treating a casual labourer. The compensation awarded under all other heads seems just and reasonable.

6. In view of the above, the claimant-appellant is held entitled to enhanced compensation of Rs.1,25,000/-, 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.

22.04.2016

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**(JITENDRA CHAUHAN)
JUDGE**