

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

FAO-5962-2011 (O&M)
Date of decision: 04.02.2016

Jaspal Singh

..Appellant

Versus

Hem Chand and ors.

..Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Ms. Richa Mittal, Advocate for
Mr. Heman Aggarwal, Advocate
for respondent Nos.1 and 2.

Mr. Amit Kundra, Advocate for respondent No.3.

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JITENDRA CHAUHAN, J.

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, Amritsar, ('the Tribunal', for brevity) vide award dated 10.05.2011.

2. The learned counsel for the appellant contends that on account of injuries suffered by the appellant, there is shortening of the left leg. He further states that the injured remained hospitalized for four weeks and no amount has been paid towards transportation and loss of income. It is asserted that the appellant is a farm labourer and remained without work for more than four months.

3. On the other hand, the learned counsel for the respondents has vehemently opposed the present appeal and state that the learned

Tribunal has awarded just and reasonable compensation. However, the factum of the appellant being farming labourer is not in dispute.

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

5. Keeping in view the fact that the status of the appellant being a farm labourer is not in dispute, accordingly, this Court feel that the appellant is entitled to an amount of Rs.25,000/- under the head 'loss of income'. It is further noticed that nothing has been paid towards the heads, attendant charges, transportation and post operation treatment. Accordingly, another amount of Rs.15,000/- is awarded under these heads.

6. In view of the above, the claimant-appellant is held entitled to the enhanced compensation of Rs.40,000/-, 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 a 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.

04.02.2016

ashok

(JITENDRA CHAUHAN)
JUDGE