

837.

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

FAO No.6933 of 2011 (O&M)

Date of decision:04.02.2016

National Insurance Company Limited

... Appellant

versus

Arvinder Pal Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Vandana Malhotra, Advocate,
for the appellant.

None for the respondents.

K.Kannan, J. (Oral)

1. The appeal by the insurer is on a plea that the assessment to compensation by the Tribunal for injuries has been unduly arbitrary and excessive.

2. He had superficial head injuries and Dr. H.S. Ghuman, examined as AW4, had claimed that the claimant was operated for fracture of the left femur on 04.02.2010, that is, a day after the accident. He had been discharged by 12.02.2010. The Tribunal has provided for a medical expenses of ₹51,263 and awarded ₹ 6,600/- for attendant charges. It has provided for ₹26,000/- for pain and suffering. He was a student in B.Tech Computer Science could not therefore suffer any loss of income. With no provision of any

permanent disability, a provision made for ₹2 lakhs was insupportable. I will provide for a possible scope of disability for any malunion of joint of the femur and restrict it to ₹25,000/- and set aside the award to the tune of ₹1,75,000/- under the head of disability. Consequently, the amount already assessed will stand reduced to ₹1,75,000/-. The award shall be for ₹1,08,863/- with interest as already awarded by the Tribunal.

3. The award is modified and the appeal is allowed to the above extent.

4. The amount of ₹ 25,000/- deposited by the insurer shall be refunded to the insurer, if the amount as granted now has already been paid.

(K.KANNAN)
JUDGE

04.02.2016
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