

FAO No.4351 of 2012(O&M)

- 1-

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

**FAO No.4351 of 2012(O&M)
Date of decision: 20.05.2016**

Jaspal Singh

...Appellant

Versus

Balvir Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Sumenderdeep Kaur, Advocate
for Mr. Rajbir Singh, Advocate
for the appellant.

Ms. Nimrata Kaur, Advocate for
Mr. Chanderhas Yadav, Advocate
for respondent Nos.1 and 2.

Mr. Vishal Aggarwal, Advocate
for respondent No.3-Insurance Company.

JITENDRA CHAUHAN, J.

The present appeal has been filed by the claimant/appellant, seeking enhancement of compensation awarded by learned Motor Accidents Claims Tribunal, Sangrur, vide award dated 05.05.2012, on account of the injuries sustained by him in a motor vehicular accident, which took place on 04.04.2011.

Learned counsel appearing for the appellant contends that he was 24 years of age at the time of accident. Permanent disability was

assessed at 80% as his left arm was amputated. Artificial myoelectric

hand was fitted which is to be replaced every 5 to 6 years. He further submits that the learned Tribunal has awarded only ₹1,50,000/- on account of loss of marriage prospects and ₹50,000/- for pain and suffering, which are on the lower side.

On the other hand, learned counsel for the respondents state that the amount awarded by the Tribunal is just appropriate and reasonable and does not call for any interference.

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

As per the statement of Dr. Daljinder Singh, CW-4, 80% permanent disability of the appellant was assessed by the Board which was proved through Ex.C-5. His left arm was amputated. He was admitted in Hind Hospital, Ahmedgarh from 04.04.2011 to 11.04.2011. Prior to the accident, he was self employed and had been running a pesticides shop. Due to this accident, he has become disabled. Keeping in view the nature of injuries, this Court feels that ends of justice would be met, if another amount of ₹1,00,000/- is awarded to the appellant for the loss of marriage prospects and enjoyment of life. It is further observed that the amount awarded for pain and suffering at ₹50,000/- is also inadequate. Accordingly, under this head, another amount of ₹1,00,000/- is awarded to the claimant/appellant.

In view of the above, the claimant-appellant is held entitled to the enhanced compensation of ₹2,00,000/- over and above, the amount already awarded by the learned Tribunal, which shall be payable to the claimant-appellant, within a period of 45 days from the date of the receipt of the certified copy of this judgement, failing which, the appellant shall also be entitled to get interest @ 7.5 % per annum from the date of the filing of the appeal, till its realization.

With the aforesaid modification in the impugned award, the present appeal is partly allowed.

(JITENDRA CHAUHAN)
JUDGE

20.05.2016
hemlata