

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

FAO No.1335 of 2015

Date of decision : 04.11.2016

Paramjeet Singh

.....Appellant

Versus

Baljeet Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Ms. Monika Arora, Advocate for
Mr. Pritam Singh Saini, Advocate for appellant.

Mr. Sandeep, Advocate for respondent No.2.

Mr. Diwan S. Adlakha, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellant-claimant against the award dated 26.05.2014, passed by the learned Motor Accidents Claims Tribunal, Panipat (hereinafter called the “Tribunal”), vide which appellant-claimant has been awarded compensation to the tune of Rs.70,114/- on account of the injuries suffered by him in the motor vehicular accident which took place on 25.11.2011.

2. The present appeal has been preferred by the appellant-claimant for the enhancement of the amount of compensation.

3. I have heard learned counsel for the parties and gone through the paper-book meticulously.

4. Learned counsel for the appellant-claimant contended that learned Tribunal has awarded only Rs.1500/- towards loss of income during the period of treatment. She contended that the claimant has suffered the compound fracture. He could not resume his duties for a period of three months. Thus, the just amount of compensation has not been awarded by the learned Tribunal.

5. On the other hand, learned counsel for respondent-Insurance Company contended that the claimant has only remained hospitalized for a period of 10 days and he has been awarded suitable compensation on account of loss of income for this period. This conclusion of the learned Tribunal does not suffer from any illegality.

6. I have duly considered the aforesaid contentions.

7. This fact is not disputed that in addition to the other injuries the appellant-claimant has suffered the fracture in his leg. He remained hospitalized in Civil Hospital, Panipat as well as Garg Hospital, Panipat from 25.11.2011 to 05.12.2011. But it is a fact of common knowledge that a person who suffers the fracture in the leg would not be able to resume the duties at least for a period of two months. The learned Tribunal has determined the income of the deceased to be Rs.4500/- per month. So, the compensation payable to the claimant on account of loss of income is enhanced from Rs.1500/- to Rs.9000/-. In this way there will be a total increase of Rs.7500/- in the award passed by the learned Tribunal. Thus, the total amount of compensation payable to the claimant comes to Rs.77,614/-.

8. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to the appellant-claimant is enhanced to Rs.77,614/- from Rs.70,114/- as awarded by the Tribunal. The claimant shall also be entitled to interest at the rate as determined by the learned Tribunal on the enhanced amount from the date of filing the petition till realisation. The liability to pay the enhanced amount of compensation and the apportionment amongst the claimants shall remain same as determined by the learned Tribunal in the main award.

04.11.2016

sunil yadav

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No