

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

FAO No.3916 of 2014 (O&M)
Date of decision: November 30, 2016

Anshu alias Prince Aggarwal ... Appellant

Versus

Kulwant Singh & others ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Surinder Garg, Advocate for the appellant.
None for respondents No.2 to 4.
Mr. Paul S. Saini, Advocate for respondent No.5.

Rajan Gupta, J.

Claimant has challenged the findings of the tribunal on the limited question of computation of compensation.

Learned counsel for the appellant submits that tribunal has erred in not granting adequate compensation under usual heads like physical disability, future prospects, pain and suffering etc. He, thus, submits that reasonable amount may be granted to the appellant under the aforesaid heads separately.

Learned counsel for respondent No.5 Insurance Company submits that adequate compensation has been awarded for the injuries suffered by the appellant.

I have heard learned counsel for the parties and given careful

thought to the facts of the case.

It appears that accident took place on 17.6.2010, in which appellant suffered injuries. The tribunal held that accident had taken place on account of rash and negligent driving of the offending vehicle i.e. Bus No.PB-04G-9525, driven by respondent No.1. As a result of said accident, appellant suffered injuries on various parts of his body including disability of forearms to the extent of 100%. After accident, appellant, who was 3/4 years of age at the time of accident, was taken to GGS Medical College & Hospital, Faridkot, from where he was referred to DMC Hospital, Ludhiana. His repeated operations were conducted. The tribunal granted compensation to the appellant as under:-

S.NO.	Head	Amount
(i)	Actual expenses incurred on medical treatment, hospitalization and amount of bills	Rs.3,00,000/-
(ii)	Special diet/extra nourishment	Rs.30,000/-
(iii)	Conveyance charges	Rs.30,000/-
(iv)	Compensation assessed on account of physical disability due to injuries sustained on forearms and scalp	Rs.5,00,000/-
(v)	Compensation assessed on account of pain and suffering	Rs.1,00,000/-
(vi)	Compensation assessed on account of future prospects qua employability matrimonial alliance and settlement in life.	Rs.3,00,000/-
	Total:	Rs.12,60,000/-

Admittedly, appellant got treatment from DMC Hospital, Ludhiana. He suffered scalp injury, for which scalp transposition had to be been done. Even there was wrist drop of both forearms. Disability

certificate is Ex.A-169, which was proved by PW2 Dr. Sukhwinderjit Singh showing permanent disability to the extent of 52% in general. However, the tribunal has taken disability of forearms to the extent of 100%. It assessed compensation of Rs.5.00 lacs on account of disability. In my considered view, compensation granted under this head is on the lower side. Due to accident, appellant has been crippled for life. It appears, it will be difficult for him to make both ends meet. So, the appellant would be entitled to another sum of Rs.3,00,000/- on account of physical disability. The appellant remained admitted in the hospital for sufficient long time. Due to the injuries suffered by him in the accident, his future has been blocked. In my considered view, compensation granted under the head of future prospects qua employability matrimonial alliance and settlement in life is also on lower side. Thus, the appellant would also be entitled to another sum of Rs.2,00,000/- under this head. In this way, the total enhanced compensation comes to Rs.5,00,000/-. The appellant would also be entitled to interest @ 6% per annum on the enhanced amount from the date of filing of claim petition till payment. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

November 30, 2016
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No