

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

**F.A.O. No.4976 of 2013 (O&M)
Date of Decision : 10.05.2016**

New India Assurance Co. Ltd.

..... Appellant

versus

Dev Kumar and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.C. Kapoor, Advocate
for the appellant.

Mr. Ramneek Vasudeva, Advocate
for respondent No.1.

None for respondents No.2 and 3.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 07.08.2013 awarding compensation of Rs.8,55,719/- alongwith interest @ 6% p.a. to the injured-claimant-respondent No.1.

Brief facts of the case are that on 13.12.2011 the offending vehicle while taking a turn crushed the leg of the claimant-respondent No.1. The claim petition having been allowed the insurance company is before this Court.

Learned counsel for the appellant-insurance company has firstly argued that there are delay of 6 days in lodging the FIR. I find from the record that this delay has been explained. The Eye-witness/Informant was the employer of the injured and had stated in his affidavit that he took the injured to Suri Hospital Balachaur after the accident from where he was referred to the PGI, Chandigarh. The Informant accompanied the claimant and the claimant was admitted for four days. After his return he lodged the FIR. Consequently, the conspiracy theory which has been floated by the appellant is rejected.

Learned counsel for the appellant has further argued that the Tribunal noticed that the claimant suffered from 80% permanent disability but proceeded to compute the compensation after taking the entire salary. He has further argued that a sum of Rs.1 lac has wrongly been awarded for future treatment without any medical evidence.

Learned counsel for the respondent No.1 has pointed out that the Tribunal took the monthly income at Rs.3000/- p.m. whereas as per the relevant notification of the Minimum Wages Act in the State of Punjab the income should have been Rs.4016/- p.m. He has further argued that even if the arguments of learned counsel for the appellant are accepted yet what the appellant may have lost by way of awarding higher amount for permanent disability and future treatment has been made up by assessing less income by the Tribunal.

I find more weight in the arguments of learned counsel for respondent No.1. Consequently, the appeal is dismissed and the award is

maintained.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 10, 2016

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**(AJAY TEWARI)
JUDGE**