

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

FAO No.5470 of 2013(O&M)

Date of decision : 09.11.2016

Surjit Singh

..... Appellant

versus

Subhash Chand and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.D.Sharma, Advocate for the appellant.

Mr.Ram Avtar, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The injured claimant is in appeal seeking enhancement of compensation with regard to the injuries sustained by him in a motor vehicular accident that took place on 11.12.2005.

The Motor Accidents Claims Tribunal, Gurdaspur (in short “the Tribunal) awarded an amount of Rs. 19,000/- under the following heads:-

Medical expenses	Rs. 15,000/-
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Compensation for permanent disability	Rs. 4,000/-
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Counsel for the appellant has submitted that the victim was working as a motor mechanic and due to injury on his finger resulting in disability to the extent of 2%, he has been rendered incapacitated to perform his job as a motor mechanic. Another submission made by counsel is that the injured remained hospitalised for a period of 12-13 days and was not able to perform his functions for another two months, he is entitled to get further compensation qua loss of income, pain and suffering, treatment

charges, loss of matrimonial prospects etc.

Counsel for the insurance company, on the contrary, has submitted that the claimant has failed to adduce satisfactory much less tangible evidence on record that the alleged disability to the extent of 2% of one finger of the hand has in any way affected his working capacity much less earning capacity. It is further submitted that the learned Tribunal has already awarded an amount of Rs. 4000/- qua disability to the extent of 2% by relying upon a Division Bench judgment of this Court ***Ram Karan Goyal v. Sub Divisional Engineer, Mechanical and others, 2008(2) RCR(Civil)103.***

I have heard counsel for the parties, perused the paper book particularly the award passed by the learned Tribunal.

The injured victim suffered crush injury on his finger of hand resulting in disability to the extent of 2%. There is no convincing evidence available on record with regard to the said injury causing any loss of future income. I do not find any reason to interfere in assessment of compensation qua disability to the extent of 2%.

The certificate Ex.A8 proves that the injured was admitted in the hospital on 12.12.2005 at 12.15 a.m. and was discharged on 24.12.2005. Keeping in view the period of hospitalisation coupled with his having suffered crush injury on his finger that has rendered him disabled to the extent to 2%, it would be in the fitness of the things if the claimant is awarded a consolidated sum of Rs. 5000/- qua pain and suffering and loss of income. He would be entitled to another amount of Rs. 10,000/- for loss of his matrimonial prospects. The additional amount of Rs. 15,000/- shall be payable with interest at the rate of 7.5% from the date of petition till

realisation.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

November 09, 2016
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No