

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

FAO No.5284 of 2014 (O&M)

Date of decision : 30.08.2016

Joginder Singh

.....Appellant

Versus

Satbir Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. B.S. Bairagi, Advocate for appellant.

Respondent No.1 proceeded against *ex parte*.

Mr. Rose Gupta, Advocate for respondent No.2.

Mr. Atul Goyal, Advocate for
Mr. Sorabh Sharma, Advocate for respondent No.3-
Insurance Company.

DARSHAN SINGH, J.

CM-14842-CII-2014

There is delay of 43 days in filing the present appeal. The appellants have filed an application under Section 5 of the Limitation Act for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed and the delay of 43 days in filing the appeal is hereby condoned.

FAO-5284-2014

The present appeal has been preferred against the award dated

19.09.2013, passed by the learned Motor Accidents Claims Tribunal, Hisar (hereinafter called the “Tribunal”), vide which the appellant-claimant has been awarded compensation to the tune of Rs.1,41,000/- on account of the injuries suffered by him in the motor vehicular accident which took place on 28.01.2012.

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

3. I have heard learned counsel for the parties and gone through the record meticulously.

4. Learned counsel for the petitioner contended that as per the statement of PW-3 Dr. Jagdish Sethi, the claimant will have problem in doing the labour work but the claimant has not been awarded any compensation under this head.

5. On the other hand, learned counsel for respondents contended that just amount of compensation has been awarded by the learned Tribunal, which does not call for any interference by this Court.

6. I have duly considered the aforesaid contentions.

7. As per the medical evidence i.e. the statement of PW3 Dr. Jagdish Sethi, the claimant has suffered multiple fractures in the frontal bone involving frontal sinuses, roof and little walls of both orbits, greater wing of sphenoid on the left side with extension into left temporal bone with adjacent fluid density, soft tissue edema and multiple intra-axial hypodense pockets, pneumocephalus. He has further categorically stated that the patient may have some problem while doing the labour work. Admittedly,

the claimant was a labourer by profession and he will face the problem in doing the labour work. So, the claimant shall be entitled to a sum of Rs.25,000/- towards the problem which he will face while doing the labour work. In this way, the claimant shall be entitled to a total some of Rs.1,66,000/- (1,41,000 + 25,000).

8. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to appellant-claimant is enhanced to Rs.1,66,000/- from Rs.1,41,000/- as awarded by the Tribunal. The appellant-claimant shall also be entitled to interest on the enhanced amount from the date of filing the petition till realisation at the rate as determined by the learned Tribunal. The liability to pay the enhanced amount of compensation shall remain as determined by the learned Tribunal in the main award.

30.08.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No