

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 677 of 2013 (O&M)

Date of decision: January 8, 2016

National Insurance Company Limited

.....Appellant

VS.

Mukesh Kumar and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE K.KANNAN

Present: Mr. Ashwani Talwar, Advocate
for the appellant.

Mr. Ashwani Arora, Advocate
for respondent No. 1.

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?

K.KANNAN,J(Oral)

1. The appeal is by the insurance company is on the issue of quantum of compensation. The insurance company is aggrieved that for the fracture of the femur that was reduced by application of fixator, the disability assessed at 12 was assumed by the Tribunal to have been resulted also a loss of earning capacity. Consequently, the Tribunal has awarded Rs.1,08,000/- on the income that he was earning failing to note that there was evidence at the Tribunal that he had suffered no loss of income being retained the same job.

2. I would find that there has been a sure confusion for the Tribunal in

merely applying a disability to have also resulted in loss of earning capacity, but I will make no intervention in an appeal filed by the insurer, unless the award is outlandish and fanciful. The overall compensation assessed in this case is only in the range of the Rs. 2.4 lakh and I will make no intervention.

3. The appeal is dismissed.

JANUARY 08, 2016

Rajeev

**(K.KANNAN)
JUDGE**