

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

(1)

FAO No.8451 of 2014 (O&M)

Date of decision : 01.12.2016

Rinku

.....Appellant

Versus

Satish Kapoor and another

...Respondents

(2)

FAO No.8452 of 2014 (O&M)

Date of decision : 01.12.2016

Roshan Lal

.....Appellants

Versus

Satish Kapoor and another

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present : Mr. Kanhiya Soni, Advocate for appellants in both the appeals.

DARSHAN SINGH, J.

**CM-23066-CII-2014 &
CM-23067-CII-2014 in
FAO-8451-2014**

Heard. For the reasons mentioned in the applications, same are allowed and the delay of 22 days in re-filing the appeal and 113 days in filing the appeal are hereby condoned.

CM-23069-CII-2014 in
FAO-8452-2014

Heard. For the reasons mentioned in the application, same is allowed and the delay of 78 days in re-filing the appeal is hereby condoned.

Main Appeals

This judgment shall dispose of both the appeals captioned above, which have been arisen out of the same and common award dated 25.11.2013 passed by the learned Motor Accidents Claims Tribunal, Hisar (hereinafter called the “Tribunal”) whereby the claim petitions filed by the appellants of both the appeals under Section 166 of the Motor Vehicles Act, 1988 (for short the “Act”) for grant of compensation on account of injuries suffered by them in the motor vehicular accident which took place on 26.03.2011, have been allowed and they have been awarded compensation to the tune of ₹4,67,966/- and ₹7,37,258/-, respectively, along with the interest at the rate of 7.5% per annum from the date of filing the claim petition till realization.

2. Both the appeals have been preferred the appellants-claimants for enhancement of the amount of compensation.

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

4. Learned counsel for the appellants-claimants contended that appellant Rinku has suffered 20% permanent disability as per the disability certificate Ex.P411 and appellant Roshan Lal has suffered the

permanent disability to the extent of 36% as per the disability certificate Ex.P412 but they have not been awarded any compensation on account of the permanent disability. Thus, he contended that the compensation awarded to both the claimants was not just and appropriate.

5. I have duly considered the aforesaid contentions.

6. The learned Tribunal has awarded compensation to appellant-claimant Rinku on account of the injuries suffered by him to the tune of ₹4,67,966/-. Similarly, the compensation to the tune of ₹7,37,258/- has been awarded in favour of appellant Roshan Lal on account of the injuries suffered by him.

7. No doubt, the learned Tribunal has not separately awarded any amount on account of permanent disability to both the claimants, but they have been awarded the exorbitant compensation under the other heads. Appellant-claimant Roshan Lal has been awarded ₹50,000/- for future treatment without any medical opinion. He has also been awarded ₹1,00,000/- on account of pain and sufferings and ₹2,00,000/- on account of loss of enjoyment of life and amenities. Even though the appellant-claimant does not suffer from any such disability which can adversely affect the enjoyment of life and amenities to such a great extent. He has also been awarded ₹50,000/- towards special diet, attendant and conveyance charges.

8. Similarly, appellant-claimant Rinku has also been awarded ₹1,00,000/- on account of pain and suffering, ₹2,00,000/- on account of loss of enjoyment and amenities of life, ₹50,000/- towards special diet

attendant and conveyance charges. The compensation awarded by the learned Tribunal under all these heads is highly exorbitant in view of the nature of the injuries suffered by the appellants-claimants. So, even if no separate compensation has been awarded for the disability suffered by the claimants, the compensation awarded by the learned Tribunal to the appellants-claimants cannot be stated to be inadequate, rather the same is just and appropriate even if the permanent disability suffered by them is taken into consideration. So, there is no scope for any further enhancement.

9. Thus, keeping in view my aforesaid discussion, both the appeals filed by appellants-claimants have no merits and the same are hereby dismissed.

01.12.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No