

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

FAO No.7975 of 2015 (O&M)

Date of decision : 30.08.2016

Rajinder Singh

.....Appellant

Versus

Manoj Kumar and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. R.S. Budhwar, Advocate for appellant.

DARSHAN SINGH, J.

CM-25066-CII-2015

There is delay of 175 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 175 days in filing the appeal is hereby condoned.

FAO-7975-2015

The present appeal has been preferred against the award dated 23.12.2014 passed by the learned Motor Accidents Claims Tribunal, Kurukshetra (hereinafter called the "Tribunal") vide which the appellant-claimant has been awarded compensation to the tune of Rs.3,17,266/- as compensation on account of the injuries suffered by him in the motor

vehicular accident which took place on 25.02.2013.

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 appellant and gone through the record meticulously.

4. Learned counsel for the appellant contended that the learned Tribunal has awarded less amount of compensation. Just amount of compensation was not assessed under all the relevant heads. The claimant has suffered 25% disability and was not able to resume the duties as driver. He had suffered fracture of both legs, which will certainly affect his earning capacity.

5. I have duly considered the aforesaid contentions.

6. Ex.P1 is the disability certificate of the claimant which shows that he has suffered 20% disability. PW2 Dr. R.L. Arya, who has proved the disability certificate has stated in the cross-examination that this disability was qua particular limb and was not qua the whole body. He further categorically stated that the disability can even reduced with the passage of time and with the help of physiotherapy. So, as per the aforesaid medical evidence there was every possibility in reduction of disability with the passage of time and with the help of physiotherapy. The learned Tribunal has awarded the compensation to the tune of Rs.2,00,000/- on account of loss of income due to the permanent disability and during the period of hospitalization. This amount awarded by the learned Tribunal is more than sufficient. Even if the loss of future earning capacity on account

of permanent disability is computed taking into consideration the functional disability of the claimant and applying the multiplier in accordance with the age of the claimant and his income, the amount will be far less.

7. Thus, the appellant-claimant has already been awarded more than sufficient compensation by the learned Tribunal.

8. Consequently, the present appeal is without any merit and the same is hereby dismissed.

30.08.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No