

**IN THE HIGH COURT OF PUNJcAB & HARYANA AT
CHANDIGARH.**

FAO No.5450 of 2004

Date of decision: April 21, 2017

Amarjit Singh

... Appellant

Versus

Yash Pal & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

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

Mr. D.K. Dogra, Advocate for respondent No.3.

Rajan Gupta, J.

Claimant has challenged the findings of the tribunal on the limited question of computation of compensation.

Learned counsel for the appellant submits that tribunal has erred in not granting adequate compensation under usual heads like pain and suffering, permanent disability, attendant, transportation etc. He, thus, submits that reasonable amount may be granted to the appellant under the aforesaid heads separately.

Plea has been opposed by learned counsel for the insurance company. He submits that adequate compensation has been granted by the tribunal for the injuries suffered by the appellant.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that accident took place on 16.01.2003, in which appellant suffered injuries. The tribunal held that accident had taken place on account of rash and negligent driving of the offending vehicle i.e. truck No.HR-38E-7594, driven by respondent No.1. As a result of said accident, appellant suffered injuries on various parts of his body. He remained admitted in the hospital from 16.01.2003 to 19.01.2003. The tribunal granted compensation to the appellant as under:-

Head		Amount
Medical expenses	:	₹ 11,000/-
Pain and suffering	:	₹ 9,000/-
Permanent disability	:	₹ 12,000/-
Nutritious diet	:	₹ 2,400/-
Attendant charges	:	₹ 2,700/-
Transportation charges	:	₹ 2,000/-
Total:	:	₹ 39,100/-

Admittedly, appellant has suffered permanent disability to the extent of 12% and he remained under plaster for about 1½ months. In my considered view, compensation on account of pain and suffering, permanent disability, attendant and transportation is on the lower side. So, appellant would be entitled to another sum of Rs.21,000/- for pain and suffering, Rs.18,000/- on account of permanent disability, Rs.2300/- towards attendant and Rs.2000/- on account of transportation. In this way, the total enhanced compensation comes to Rs.43,300/-. The appellant would also be entitled to interest @ 9% per annum on the enhanced amount from the date of filing of claim petition till payment.

Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

April 21, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

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