

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.4099 of 2011

Date of decision:- January 24, 2017

MUKESH

....APPELLANT..

VS.

WAZIR SINGH AND OTHERS

....RESPONDENTS..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Jaininder Saini, Advocate,
for the appellant.

Mr. Arun Sharma, Advocate for
Mr. T.K. Joshi, Advocate,
for respondent No.3.

JASPAL SINGH, J.

Dissatisfied with the compensation awarded on account of the injuries sustained by appellant-Mukesh in a vehicular accident occurred on 30.01.2010 at about 8:00 a.m., he has preferred the instant appeal for enhancement thereof.

2. Undisputably, the appellant was granted compensation on the basis of medical bills to the tune of ₹1,31,000/- and a sum of ₹20,000/- was awarded on account of hospitalization, pain and suffering and all other expenses, totalling ₹1,51,000/-. Respondent No.3-Reliance General Insurance company was made liable to pay the entire amount of compensation.

3. At the very outset of the arguments, it has emerged that only a sum of ₹20,000/- has been awarded on account of pain and suffering, stay in hospital etc. and nothing has been awarded on account of remaining out of

job during the said period. Even after discharge from hospital, claimant may not be able to attend his job for some days. Thus, the compensation so awarded, cannot be termed to be just and adequate. It being on lower side, the compensation so awarded, deserves to be enhanced.

4. This Court is of the considered view that it would be just and proper, in case, the appellant is granted compensation on account of pain and suffering, on account of hospitalization and remaining out of job to the extent of ₹50,000/- more in addition to ₹20,000/- already awarded. Thus, the claimant deserves the enhancement of ₹50,000/- in *toto*, in addition to the amount of ₹1,51,000/- already awarded by the 1d. Tribunal.

5. In the light of what has been discussed above, the instant appeal is partly accepted and impugned award dated 17.02.2011 passed by 1d. Tribunal is modified. Compensation awarded by the Tribunal stands enhanced to the tune of ₹50,000/- (in addition to the compensation already awarded by the Tribunal). The amount so enhanced shall be paid by respondent No.3- Insurance Company within a period of two months from the date of receipt of certified copy of this judgment and on its failure to make the payment within stipulated period, it would entail interest @ 6% per annum from the date of institution of the claim petition before the Tribunal till realization.

January 24, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: Yes/No