IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5354 of 2011
Date of Decision.16.08.2017

Suresh Kumar Verma ....Appellant

Vs

Ram Lal and others ....Respondents

Present: Ms. Monika Arora, Advocate for
Mr. Pritam Saini, Advocate
for the appellant.

Mr. R.S. Madan, Advocate
for the insurance company.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

This is a case where the appellant-claimant had sustained injuries in the accident occurred on 13.08.2008, resulting into cervical spine with cervical disc herniation at C-3, C-4 level with quadric paresis (right greater than left) and as per disability certificate issued by the Board of Doctors, the permanent disability was assessed as 75%.

Learned counsel appearing on behalf of the appellant submits that despite the aforementioned grave disability, the Tribunal without quantifying the income and applying the multiplier has vaguely awarded compensation under the head of loss of future income to the tune of ₹1,50,000/-. The appellant was running handloom business and the loss of income was assessed to a very meager sum of ₹20,000/-. Owing to the aforementioned injuries, remained hospitalized from 13.08.2008 to 31.08.2008 and thereafter continued treatment and physiotherapy and still not able to recoup the loss of movement, much less, restitution of amenities of life, thus, the amount of compensation is required to the enhanced by modifying the award.

Mr. R.S. Madan, learned counsel appearing for the insurance company submits, on instruction received from the insurance company via e-mail dated 6.7.2016, that keeping in view the disability of the appellant, an amount of ₹8 lacs is offered over and above what has already been provided by the Tribunal.

In my view, the offer made by the insurance company, realizing the disability to the extent of 75% as indicated above is fair and justified.

Learned counsel for the appellant on instructions from his client, who is present in court, is ready to accept the offer but prayed for interest on the same. In response thereto, learned counsel for the insurance company submits that he has no instructions with regard to payment of interest and the offer made is full and final.

In my view, the aforementioned offer is sufficient. It will take care and suitably compensate the appellant on account of loss of future income, loss of amenities and pain and suffering. The appellant shall be entitled to an amount of Rs.8 lacs over and above what has already been provided by the Tribunal. There shall be no interest. This amount shall be paid by the insurance company within a period of one month from the date of receipt of certified copy of the order.

The award stands modified and the appeal is allowed to the above extent.

(AMIT RAWAL)
JUDGE

August 16, 2017
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No