

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

FAO No.5560 of 2011

Date of Decision.29.09.2017

Sanjeet

.....Appellant

Vs

Sukhpal and others

.....Respondents

Present: Mr. Vivek Khatri, Advocate
for the appellant.

Mr. Chander Shekhar Singhal, Advocate for
Mr. S.P. Chahar, Advocate
for respondent Nos.1 and 2.

Mr. M.B. Jain, Advocate
for respondent No.3.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The appeal is for enhancement of compensation for injuries suffered by one Sanjeet in a motor accident occurred on 24.04.2010. He was 15 years of age at the time of accident. The case set up by the claimant is that the compensation assessed to the tune of ₹2,62,000/- under the following heads is on lower side:-

<i>“Permanent disability @30%</i>	=	₹1,50,000/-
<i>Medical treatment</i>	=	₹62,000/-
<i>Special diet and attendant charges</i>	=	₹10,000/-
<i>Pain and suffering</i>	=	₹20,000/-
<i>For serious injuries</i>	=	₹20,000/-
<i>Total</i>	=	₹2,62,000/-”

Learned counsel appearing on behalf of the appellant submits that the appellant-claimant is entitled to enhancement under the head of pain and suffering and future medical expenses as well as loss of amenities.

the injured-claimant.

Mr. Singhal for Mr. Chahar, learned counsel appearing on behalf of the respondent Nos.1 and 2 and Mr. Jain, learned counsel appearing for respondent No.3 submit that all the heads of claim have sufficiently been taken care of while assessing the amount of compensation and there is no scope for enhancement.

I have heard learned counsel for the parties and appraised the paper book. From the chart enumerated above, whereby the Tribunal has awarded compensation under various heads, the amount awarded under the head of permanent disability to the extent of 30% is on higher side, especially in the absence of any evidence as to how the aforementioned disability would affect the earning capacity of the claimant in future. The aforementioned amount will also take care of heads of loss of amenities and pain and suffering. No additional evidence has been placed on record for future medical expenses. As regards the special diet and attendant charges, the amount of ₹10,000/- is sufficient and the amount of ₹62,000/- for medical expenses has been awarded on the basis of bills placed on record.

In my view, the compensation of ₹2,62,000/- is fair and just and there is no scope for further enhancement. The award passed by the Tribunal is upheld and the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

September 29, 2017
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No