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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.6945 of 2011 (O&M)

Date of Decision : 08.12.2017

NEW INDIA ASSURANCE CO. LTD.

....APPELLANT

VERSUS

SURINDER DAS AND OTHERS

....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Vipul Sharma, Advocate for
Mr. Paul S. Saini, Advocate for the appellant.

Mr. Parminder Singh, Advocate for respondent No1.

Mr. Mukesh Verma, Advocate for
Mr. Raj Kumar Gupta, Advocate for respondent Nos.2 & 3.

B.S. WALIA, JUDGE (ORAL)

[1] Learned counsel for the respondents-claimants has brought it to the notice of the Court that the permanent disability i.e. head injuries suffered by respondent-claimant No.1 in the accident and which was assessed at 59% has increased over the years and now vide certificate dated 06.12.2016 issued by the Medical Board, PGIMER, Chandigarh, the permanent disability of respondents-claimants has increased to 64%.

[2] It has also been brought to the notice of this Court that in the report dated 06.12.2016 forwarded by the Medical Board, PGIMER to this Court, it has been mentioned that the claimant-respondent No.1 would not be able to perform complex tasks. Relevant extract of the report is reproduced as under:-

“The Medical Board found that on Neuropsychological assessment, there is marked impairment in areas of new learning, attention, concentration, memory, retention, recognition and abstract thinking. However, the practical performance skills are relatively less impaired. He has less than average IQ. The Medical Board is of opinion that with this disability he will not be able to perform complex tasks.”

[3] Learned counsel for the respondents-claimants contends that in the circumstances, the appeal filed by the Insurance Company for reduction in the compensation awarded does not survive and is liable to be dismissed as such. In the light of the disability certificate as well as report dated 06.12.2016 submitted by the Medical Board, PGIMER, Chandigarh, learned counsel for the Insurance Company fairly does not press the appeal.

[4] Accordingly, the appeal is dismissed as such.

(B.S. WALIA)
JUDGE

December 08, 2017

rajneesh

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No