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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 01.12.2017

1.

FAO No.6451 of 2012

Manoj

... Appellant(s)

Versus

Krishan Lal and others

... Respondent(s)

2.

FAO No.6452 of 2012

Sunder Lal

... Appellant(s)

Versus

Krishan Lal and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Dinesh Nagar, Advocate for
Mr. G.S. Sidhu, Advocate
for the appellant(s).

Mr. Vinod Chaudhari, Advocate for
Mr. Vinod Gupta, Advocate
for respondent No.3/Insurance Company.

AMIT RAWAL, J. (ORAL)

This order of mine shall dispose of the two appeals bearing

FAO No.6451 of 2012 titled as **“Manoj V/s Krishan Lal and others”**

preferred by the injured Manoj, who had received the injuries as well as

permanent disability in a motor accident occurred on 22.01.2011 and **FAO**

No.6452 of 2012 titled as **“Sunder Lal V/s Krishan Lal and others”**

preferred by the parents of the deceased-Mithun, who had died in the

aforementioned motor accident, for enhancement of compensation against

the award dated 31.08.2012 passed by the Motor Accident Claims Tribunal,

Sirsa (in short 'the Sirsa'), whereby a compensation of ₹ 1,80,000/- and

₹ 3,25,000/- along with interest @ 7.5% per annum, respectively from the date of filing of the claim petition till its realization.

Learned counsel for the appellant(s)-claimant(s) submits that the learned Tribunal has awarded the compensation to the tune of ₹ 1,80,000/- in respect of injured Manoj by granting an amount of ₹ 20,000/- on account of pain and sufferings as well as transportation, which is too meagre, therefore, there is scope for further enhancement.

Viz-a-viz the death of Mithun, the Tribunal awarded the compensation in lump-sum to the tune of ₹ 3,00,000/-, which is a lesser amount. Moreover, no increase was made in the salary towards future prospects and the amounts of ₹ 20,000/- towards funeral expenses and ₹ 5,000/- for transportation, are also on lower side, thus, there is scope for enhancement.

On the other hand, learned counsel appearing on behalf of the Insurance Company submits that the Tribunal has taken care of all the heads sufficiently. The factum of permanent disability has not been proved, therefore, there is no scope for further enhancement, thus, urges this Court for dismissal of the appeal.

I have heard the learned counsel for the parties and appraised the paper book.

As regards the appeal bearing **FAO No.6451 of 2012**, I am of the view that the Tribunal has rightly awarded the compensation of ₹ 1,80,000/- to the claimant-Manoj, on account of injuries as there is no permanent disability, thus, there is no likelihood of increase in the compensation in the absence of any evidence or opinion of the Board of

Doctors qua permanent disability and accordingly, I do not intend to differ with the findings rendered by the Tribunal and the appeal is dismissed.

Viz-a-viz the appeal bearing **FAO No.6452 of 2012**, I am of the view that the compensation to the tune of ₹ 3,25,000/- is on lower side and accordingly, I take the income of the deceased as ₹ 4,000/-. I will make a deduction of ½ towards his personal expenses and apply a multiplier of '18' to assess the loss of dependency as ₹ 4,32,000/-. I will further add to it ₹ 30,000/- towards conventional heads i.e. loss of estate and funeral expenses as per the latest judgment dated 31.10.2017 rendered by Hon'ble the Supreme Court in **SLP (Civil) No.25590 of 2014** titled as **“National Insurance Company Ltd. V/s Pranay Sethi and others”**.

In all the compensation payable shall be ₹ 4,62,000/-. The amount in excess over what has already been provided by the Tribunal shall also attract interest @ 6% from the date of filing of the appeal till its realization. The liability shall remain the same as has already been determined by the Tribunal. The award passed by the Tribunal is modified to the above extent.

Resultantly, the appeal bearing **FAO No.6451 of 2012**, is dismissed and the appeal bearing **FAO No.6452 of 2012** is allowed.

01.12.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**