

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1718-2014 (O & M)

Date of decision: 16.05.2017

Lakshman

.... Appellant

V/s

Arvinder Singh and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ashwani Arora, Advocate, for the appellant.

Ms. Vandana Malhotra, Advocate, for respondent No.3.

Rajan Gupta, J. (Oral)

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Appellant/claimant has challenged the findings of the tribunal on the limited question of computation of compensation.

Learned counsel for the appellant has submitted that tribunal has erred in not granting adequate compensation under usual heads like pain and suffering, on account of period of admission in hospital, nutritious diet and transportation. Besides, no amount has been granted on account of functional disability. He, thus, submits that reasonable amount may be granted to the appellant under various heads separately.

Learned counsel for the respondent No.3 insurance company has submitted that adequate compensation has been awarded on account of injuries suffered by the appellant.

I have heard learned counsel for the parties and given careful thought to the facts of the case. It appears that accident took place on 02.04.2012, wherein appellant suffered injuries on various parts of his body. Admittedly, accident took place due to rash and negligent driving of respondent No.1 driver of the offending motor cycle. Appellant suffered multiple injuries. The tribunal keeping in view statements of doctors,

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granted Rs.12,000/- to the appellant on account of loss of earning, Rs.38,434/- for expenses incurred on medical treatment, Rs.3,000/- for pain and suffering, Rs.5500/- for the period of admission in hospital, Rs.2000/- for nutritious diet and Rs.1000/- for transportation. Thus, a total compensation of Rs.61,934/- has been awarded to the appellant. She has also been granted interest @ 4.5% per annum from the date of filing of the claim petition till realization of the amount.

I am of the considered view that compensation granted on account of pain and suffering, period of admission in hospital, nutritious diet and transportation is on the lower side. Further, the Tribunal has not granted any amount towards functional disability. Thus, appellant would be entitled to another sum of Rs.20,000/- towards pain and suffering, Rs.5,000/- for the period of admission in hospital, Rs.5000/- for nutritious diet and Rs.5,000/- for transportation. The appellant would also be entitled to another amount of Rs.45,000/- for functional disability. In this way, the total enhanced compensation would come to Rs.80,000/-. The appellant would also be entitled to interest as awarded by the Tribunal. Appeal is partly allowed in these terms and award of the tribunal is modified to this extent only. Rest of the award is maintained as such.

In case, respondent No.3-Insurance company pays the enhanced amount within a period of 45 days from the date of receipt of certified copy of the order, the appellant shall not be entitled to interest. In case the insurance company fails to pay the enhanced amount within the stipulated period, the appellant shall be entitled to interest at the rate of 6% per annum till the enhanced compensation is granted to the appellant.

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Since the main petition has been allowed and enhanced compensation is acceptable to the appellant, no order needs to be passed in this application.

May 16, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No