

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.2503 of 2014

Date of decision: March 22, 2017

Vijender Kumar Sharma

...Appellant

Versus

Oma Ram and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.N. Pillania, Advocate for the appellant.

Mr. Rajbir Singh, Advocate for respondent No.3.

Rajan Gupta, J.

Present appeal has been preferred by the appellant dissatisfied with the compensation granted by the tribunal.

Learned counsel for the appellant submits that tribunal has erred in not granting adequate compensation under usual heads like permanent disability, transportation, loss of earning etc. Even no amount has been granted for attendant. He, thus, submits that reasonable amount may be granted to the appellant under the aforesaid heads separately.

Learned counsel for respondent No.3 Insurance Company submits that adequate compensation has been awarded for the 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 17.02.2011, in which appellant suffered injuries. The tribunal held that accident had taken place on account of rash and negligent driving of the offending vehicle i.e. truck No.RJ-21G/1440, driven by respondent No.1. As a result of said accident, appellant suffered injuries on various parts of his body including permanent disability to the extent of 25%. The tribunal granted compensation to the appellant as under:-

Head		Amount
Pain and suffering and special diet	:	₹15,000/-
Medical treatment	:	₹1,22,527/-
Transportation	:	₹ 35,000/-
25% disability	:	₹ 50,000/-
Loss of earning during hospitalization	:	₹ 15,000/-
Total:	:	₹2,37,527/-

Admittedly, appellant suffered 25% permanent disability as is clear from disability certificate Ex.P-94 and proved by PW-4 Dr. H.L. Gupta. In my considered view, compensation granted for permanent disability, transportation as well as loss of earning during hospitalization, are on the lower side. So, appellant would be entitled to another sum of ₹50,000/- towards permanent disability, Rs.15,000/- towards loss of earning during hospitalization, Rs.5000/- for transportation. Further appellant is also granted Rs.10,000/- for attendant. In this way, the total enhanced compensation comes to ₹80,000/-. The appellant would also be entitled to interest @ 9% per annum on the enhanced amount from the date of filing of claim petition till payment. Appeal is allowed in these terms. Award of the

tribunal is modified to this extent. Rest of the award is maintained as such.

March 22, 2017		(RAJAN GUPTA)
'Rajpal'		JUDGE
	Whether speaking / reasoned	Yes / No
	Whether Reportable:	Yes / No