

as per the disability certificate, there is no opinion as to what type of disability has been suffered by the victim. In the note appended thereto, the condition is stated to be non-progressive and likely to improve. The Medical Board recommended re-assessment after a period of two years. No evidence has been led by the claimant that he got re-assessment in compliance with the recommendation by the Medical Board.

The Tribunal has assessed income of the victim at Rs.2,000.00 per month. As has been rightly pointed out by Counsel for the insurance company that disability certificate only says that it is a case of multiple facial fracture with scar but nothing has been mentioned as to on what basis, he has been held to be physically handicapped to the extent of 30% in relation to whole body. Similarly, as noted in the disability certificate Ex P1, the condition is non-progressive and likely to improve and there was recommendation for re-assessment after a period of two years. Taking into consideration the aforesaid facts, I do not find any reason to interfere in assessment qua loss on account of disability suffered by the victim. However, the claimant is held entitled to an amount of Rs.5,000.00 for expenses of transportation and attendant charges.

For the foregoing reasons, the appeal is partly allowed. Additional amount of Rs.5,000.00 shall be paid to the appellant/claimant along with interest at the rate of 7.5% per annum from the date of petition till realization.

(Rekha Mittal)
Judge

11.05.2018

mohan bimbra

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