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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-608-2000 (O&M)

Date of decision : 24.01.2018

Gursewak Singh

... Appellant(s)

Versus

Lal Chand and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vinod Kumar Kataria, Advocate
for the appellant(s).

Mr. Paul S. Saini, Advocate
for the respondent(s)/Insurance Company.

AMIT RAWAL, J. (ORAL)

The present appeal has been filed by the claimant-Gursewak Singh son of Kartar Singh, who injured in a motor accident occurred on 08.06.1995, for enhancement of the compensation against the award dated 01.09.1999 rendered by the Tribunal, whereby the compensation of ₹20,000/- has been awarded.

Learned counsel appearing on behalf of the appellants-claimants submits that the Tribunal has awarded the compensation to the tune of ₹20,000/-, which is on lower side. The claimant remained admitted in DMC Ludhiana for about 14 days as he had received the injuries on the head, mouth, jaw, shoulder and in his hand and he spent a sum of ₹ 15,000/- towards his treatment. He further submits that due to the accident, he became unable to do the agricultural work and he lost his memory to some

extent. No compensation on account of pain and sufferings as well as transportation has been awarded and an amount of ₹5,000/- towards loss of income is also too meagre, 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 and 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 and of the view that the Tribunal has rightly awarded the compensation of ₹20,000/- (₹15,000/- towards treatment expenses and ₹5,000/- for loss of income) to the claimant 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. However, an amount of ₹5,000/- for loss of income is too meagre and accordingly, I increase the same from ₹5,000/- to ₹10,000/-. The enhanced amount of ₹5,000/- shall also attract interest @ 6% per annum 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 and the appeal is allowed.

24.01.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned Yes/ No

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Whether Reportable Yes/ No