

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

468

FAO No.2510 of 2001 (O&M)
Date of Decision : 10.09.2018

Balwant Singh

..... Appellant

Versus

Krishan and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Rishab Lohan, Advocate
for Mr. R.N.Lohan, Advocate
for the appellant.

Mr. Sunny Dhull, Advocate
for respondent No.1.

Mr. Paul S.Saini, Advocate
for respondent No.3-Insurance Company.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 12.09.2000 granting compensation of Rs.5,00,000/- and interest @ 12 % per annum in favour of the appellant and against the respondents.

Learned counsel for the appellant states that the appellant suffered amputation of both the upper limbs and medically it amounted to 100% permanent disability. On this score alone Rs.2,000/- per percent on that account had to be awarded and he has been awarded a sum of Rs.2.00

nothing has been awarded on account of the disability.

Counsel for respondent No.3-Insurance Company has accepted that a sum of Rs.2.00 lakhs had to be awarded on account of the disability.

As regards, the compensation on account of loss of income, counsel for the appellant has argued that the income of Rs.1,500/- per month which was taken for a farmer in the year 1999 is highly inadequate.

Counsel for respondent No.3-Insurance Company has very fairly pointed out that in some cases the income for that year had been taken at Rs.1,800/- per month.

Counsel for the appellant points out that in view of the judgment passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*, 25% had to be awarded on account of future prospects. Both these pleas are accepted. He however points out that nothing has been awarded on account of transportation, special diet and attendant charges.

Counsel for respondent No.3-Insurance Company, however, points out that under the heads of pain, suffering and loss of enjoyment of life the amount of Rs.2.00 lakhs is highly excessive.

To my mind any excess which the appellant may have obtained on that account would be offset by the fact that nothing has been awarded on account of special diet, attendant charges and transportation and I consequently leave the matter at that.

Counsel for respondent No.3-Insurance Company points out that the interest rate which has been awarded 12% is highly excessive.

I find some merit in the plea and consequently direct that the

appellant would be entitled to 7.5% interest on the enhanced amount from

the date of filing of claim petition till the date of payment.

Appeal stands allowed.

Since the main case has been decided, the pending Civil
Miscellaneous Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

10.09.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No