

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO No.483 of 2003 (O&M)

Date of decision: 21.08.2018

Ashok Kumar

..... Appellant

Versus

Chander Bhan etc.

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Atul Pratap Dhankar, Advocate, for
Mr. Bijender Dhankar, Advocate
for the appellant.

Mr. Neeraj Khanna, Advocate, for
Mr. Ravinder Arora, Advocate
for respondent No.4.

ANIL KSHETARPAL, J. (ORAL)

The claimant seek enhancement of the compensation awarded by the learned Motor Accident Claim Tribunal, Sonapat.

The claimant who suffered two fractures after getting injured in the accident, has been awarded a sum of Rs.32,000/-, out of which Rs.15,000/- represents medical expenses. On account of loss of income, only Rs.6,000/- has been awarded. Another Rs.5,000/- has been awarded for special diet and Rs.6,000/- for pain and suffering.

Learned counsel for the appellant has submitted that on account of loss of income, the amount awarded is on the lower side as once a 32 years old man suffers two fractures in the right arm particularly when he was working in an unorganized sector, the loss of income has to be more than what has been assessed. He submitted that at least on account of loss

of income, period of six months should have been taken into consideration keeping in view that there were two fractures in the right arm, the primary working hand.

Keeping in view the aforesaid facts, the compensation awarded on account of loss of income is increased to Rs.18,000/-. The enhanced compensation shall carry interest at the rate awarded by the learned Motor Accident Claim Tribunal.

With these observations, the appeal is allowed.

21.08.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No