

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

FAO No.156 of 2005
Date of decision:22.01.2018

Arti Devi ... Appellant
Vs.

Anil Kumar Dadlani and another ... Respondents

FAO No.1046 of 2005

Suryam ... Appellant
Vs.

Anil Kumar Dadlani and another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ashwani Arora, Advocate
for the appellant.

Mr. Ashwani Talwar, Advocate
for respondent No.2 (in FAO No.1046 of 2005).

AMIT RAWAL J. (Oral)

This order of mine shall dispose of two appeals bearing Nos.156 of 2005 filed by Arti Devi aged 32 years and 1046 by Suryam aged 12 years at the time of accident occurred on 05.11.2002, seeking enhancement of compensation against the award passed by the Tribunal, whereby a compensation of ₹72,090/- in the case of Arti Devi and ₹1,81,000/- in the case of Suryam, alongwith interest @ 9% per annum, had been awarded.

Mr.Ashwani Arora, learned counsel appearing on behalf of the appellant submitted that Arti Devi aged 32 years was hospitalized for two

months and as per disability certificate produced on record, she has suffered disability to the extent of 10% and only paltry amount of ₹25,000/- has been awarded under the head of permanent disability. No compensation has been awarded under the head of attendant or future medical expenses. Only a sum of ₹20,000/- has been awarded under the head of pain and suffering, total of which comes to ₹72,090/-.

Whereas, in the case of Suryam, he had suffered four fractures, i.e., on right leg, jaw, neck and arm. He has suffered a permanent disability to the extent of 25% and only compensation of ₹ 80,000/- has been awarded under the head of disability and ₹30,000/- towards pain and suffering and thus, urged this Court for enhancement of compensation.

On the other hand, Mr. Ashwani Talwar, learned counsel appearing on behalf of the Insurance Company submitted that Arti is a house-wife and thus, the Tribunal has taken her income as ₹6,000/- per months and that of Suryan as ₹15,000/- per month. Moreover, the Tribunal has taken care of all the heads sufficiently and there is no scope for further enhancement, thus, urged this Court for dismissal of the appeal.

I have heard the learned counsel for the parties and appraised the paper book.

The facts narrated above are not controverted by the learned counsel for the parties, i.e. the compensation awarded under the various heads, much less, the accident. The only thing to be seen by this Court is whether the compensation is required to be enhanced on account of pain and suffering and future medical expenses in both the cases. In my view, the

compensation is required to be enhanced on account of pain and suffering to the tune of ₹1,00,000/- instead of ₹20,000/- in the case of Arti being house wife, who had suffered injuries, thus, there is increase of ₹80,000/- and rest of the compensation is perfectly legal and justified and there is no scope for further enhancement.

As regards Suryam, who was not married, a sum of ₹1,00,000/- towards marriage prospect and ₹70,000/- towards pain and suffering instead of ₹30,000/- so there shall be increase of ₹1,40,000/- in case of Suryam. The enhanced amount of compensation shall also entail interest @ 6% per annum from the date of filing appeal till its realization.

With the aforementioned modification, the appeals stand allowed.

(AMIT RAWAL)
JUDGE

January 22, 2018

savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No