

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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IOIN-FAO-4487-2005 in/and
FAO-4487-2005 (O&M)
Date of decision : 30.11.2018

Kashmir Singh

...Appellant

vs.

Ms. Rupinder Kaur and others

....Respondents

KASHMIR SINGH VS RUPINDER KAUR & ORS

Present: Mr. Naresh Gopal Sharma, Advocate
for the appellant.

Ms.Priya Deep, Advocate for
Mr. Ashwani Talwar, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

CM-19680-CII-2005

For the reasons recorded in the application the same is
allowed and delay of 2 days in refiling the appeal is condoned.

Main Case

This is an appeal for enhancement of compensation and for
modifying the award dated 20.4.2005 passed by the Motor Accident
Claims Tribunal, Karnal granting compensation of Rs.47,400/- along with
interest @9% per annum in favour of the appellants.

Brief facts of the case are that the appellant met with an
accident on 17.11.2002 and suffered multiple injuries. Counsel for the
appellant has argued that the appellant suffered permanent disability to
the extent of 5% because of the mid stiffness of right wrist and right
shoulder joint with mal-union of fracture of lower end of right ulna and
the Tribunal awarded an amount of Rs.25000/- on account of permanent

disability of 5%, Rs.9937/- for medical expenses and Rs.7000/- under the heads of pain and suffering and diet. He has further argued that amount awarded under the heads of pain and suffering and diet is highly inadequate.

Counsel for the insurance company however points out that for permanent disability of 5% at the most Rs.10,000/- could have been awarded but in the present case Rs.25,000/- had been awarded and therefore if there is any shortfall for the compensation under the heads of pain and suffering and diet it is more than made up by the compensation awarded under head of permanent disability. Counsel for the appellant is not in a position to deny the logic of this argument.

In the circumstances, no further enhancement can be made.

The appeal stands dismissed.

Since the main case has been decided, the C.M, if any also stands dismissed as such.

30.11.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/no
Yes/no