

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

305

FAO-3834-2009 (O&M)

Date of Decision : 11.07.2018

Aman Sharma

..... Appellant

Versus

Bhupinder Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.S. Mamli, Advocate
for the appellants.

Mr.Ashwani Talwar, Advocate
for the Insurance Company.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 02.08.2008 granting compensation of Rs.43,000/- with interest @ 7.5 % per annum in favour of the appellants and against the respondents. Since liability of the insurance company is not disputed the detailed reference to the facts is not required.

Learned counsel for the appellant has argued that this was a case where as a result of a fracture, the nail had been inserted into the femur of the appellant. As per the appellant, there was a 10% permanent disability but only a sum of Rs.15,000/- has been awarded whereas it should have been 20,000/- on account of fact that this Court has awarded compensation at the rate of Rs.2000/- per percent of disability.

Learned counsel for the Insurance Company is not in a position to deny this fact. Moreover, learned counsel for the appellant has submitted that on account of pain and suffering also only Rs.5,000/- has been awarded.

I deem it appropriate to grant Rs.5000/- more for permanent disability and to grant another amount of Rs.2000/- for pain and suffering. Ordered accordingly. The enhanced amount shall carry same rate of interest as awarded by the Tribunal. Management shall remain the same.

Appeal is disposed of in the above terms and the award is modified accordingly.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

July 11, 2018

A.Kaundal

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No