

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

FAO No.6052 of 2012(O&M)

Date of Decision:10.05.2018

Devender

.....APPELLANT

Vs.

Inderjit Singh & others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Ms.Sheenu Sura, Advocate for the appellant.

Mr. Vinod Chaudhari, Advocate for
respondent No.3-Insurance Company.

RAMENDRA JAIN J. (ORAL)

Through this appeal, the appellant-claimant has prayed for enhancement of compensation, modifying the impugned consolidated award dated 17.02.2011 of the Motor Accident Claims Tribunal, Rohtak (for short “the Tribunal”).

In nutshell, on 03.09.2006, claimant while driving jeep bearing Registration No. HR-61BB (HQ) T-4323 was going to Barnala from Rohtak. The offending Truck driven by respondent No.1 bearing registration No.PB-03L-9764 coming from the opposite side in a rash and negligent manner collided with his jeep, by coming on the wrong side. As a result thereof, all the occupants of the jeep including the appellant-claimant suffered multiple grievous injuries on their persons. The appellant-claimant suffered fracture on his hand, leg and jaw, resulting into permanent disablement to the extent of 45 %.

The learned Tribunal vide impugned consolidated Award, while deciding 12 claim petitions including that of the appellant-claimant awarded him a compensation of ₹99,100/-.

Learned counsel for the appellant contends that the learned Tribunal has not granted any compensation to the appellant-claimant towards loss of income, and for the period, he remained admitted in hospital and took rest for his recovery. The appellant has suffered fracture in his hand, leg, as also in jaw. He remained hospitalized for around 15 days and thereafter bed ridden for around 06 months. The appellant-claimant, being a perfect driver, was earning about ₹8,000/- per month. Therefore, learned tribunal at least ought to have granted ₹50,000/- towards loss of income to the appellant-claimant. That apart, the learned Tribunal has awarded less compensation qua permanent disability i.e. only ₹70,000/-. The same ought to have been awarded at ₹1, 50,000/-.

On the other hand, learned counsel for the respondent-Insurance Company vehemently opposing the submissions of learned counsel for the appellant-claimant, submitted that permanent disability suffered by the appellant-claimant was qua a particular limb and not qua the whole body.

Having given considerable thought to the rival submissions made by learned counsel for both the sides, this Court is of the considered view that an amount of ₹70,000/- be awarded to the appellant in lump-sum as enhanced compensation over and above the amount of ₹99,100/- already awarded to him by the learned Tribunal.

Learned counsel for the appellant has given her consent to the above enhancement. Therefore, the appellant shall not be entitled to file any appeal.

In view of the above, respondent No.3-Insurance Company is directed to deposit the aforesaid lump sump amount of ₹70,000/- over and above the amount already awarded vide impugned Award dated 17.02.2011, with the learned Tribunal, within two months from today, for onward disbursement to the appellant-injured against proper receipt and identification, in accordance with law.

FAO stands disposed of, accordingly.

10.05.2018
Anjal

(Ramendra Jain)
Judge

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No