

502

FAO No. 5171 of 2013

PUNJAB SINGH

VS.

KALU RAM AND OTHERS

Present: Mr. A.S. Ahluwalia, Advocate for the appellant

Mr. R.C.Kapoor & Mr. Navin Kapur, Advocates with
Mr. Gopal Krishan, Dy. Manager &
Mr. Amrik Singh, Asstt. Manager for
National Insurance Co. Ltd.

* * * *

The present appeal is by appellant-Punjab Singh-claimant. He met with an accident on 20.3.2005 and received multiple injuries including disability to the extent of 38%. The MACT Narnaul assessed the compensation as ₹ 2,41,000/- but since it was found that the appellant himself contributed negligence to the extent of 50%, as such awarded ₹ 1,20,500/- in its award dated 9.7.2013.

Learned counsel for the appellant contends that a meagre amount of ₹ 30,000/- under the head of pain and suffering is awarded though he suffered multiple fractures on the right leg for which he was operated upon and nail was inserted and he suffered disability to the extent of 38% on account of the said injury and his career as a driver has been affected and as such, substantial increase in the compensation is required. The compensation of ₹ 10,000/- under the head of loss of earning is also on a lower side.

Learned counsel states that though the enhancement comes to more than ₹ 2,40,000/-, but the appellant would be satisfied with the said amount i.e. if another sum of ₹ 1,20,000/- (i.e. 50% on account of contributory negligence) more, over and above, the amount already awarded by the MACT concerned, is granted to the appellant in full and final satisfaction of the claim in the present appeal and in that eventuality the

appellant would give up his claim regarding interest on the enhanced amount from the date of filing of the petition before the MACT which is 27.9.2005 i.e. for more than 13 years.

To us, this offer seems to be just, reasonable and equitable in the facts and circumstances of the case.

Learned counsel/representatives of the respondent-Insurance Company have agreed to the proposal of learned counsel for the appellant and have signed to that effect.

As agreed, as per statements of the representatives of the Insurance Company and counsel for the appellant, (separately recorded today), a sum of ₹ 1,20,000/- (Rs.One Lakh Twenty Thousand Only) more, over and above the amount awarded by the Tribunal is allowed to the appellant, in full and final settlement of the claim in this appeal.

We dispose of this case with a direction to the Insurance Company to deposit a crossed-cheque in the sum of ₹ 1,20,000/- in the name of appellant-Punjab Singh s/o Sh. Amar Singh with the office of the Lok Adalat of the High Court on or before 17.12.2018 failing which the amount will carry 9% interest p.a. from the date of this order till the cheque is deposited with the office of the Lok Adalat. The appellant's counsel/appellant may collect the cheque from the office of the Lok Adalat.

Copy of the order/statement be supplied/sent to the counsel/parties and file be returned to the High Court.

(J. C. Verma)
President

(Arvind Kumar)
Member

12.11.2018
Janki