

209.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-857-2013(O&M)
Date of decision:19.03.2018.

CHUHAR SINGH ... Appellant

Versus

BARDUL HUK AND ORS Respondents

CORAM: HON’BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Pranav Handa, Advocate for
Mr. Prateek Gupta, Advocate,
for the appellant.

None for respondent No.1.

Respondent No.2 already ex parte.

Mr. M.R. Sharma, Advocate, for
Mr. D.R. Sharma, Advocate,
for respondent No.3.

HARI PAL VERMA, J.(Oral)

Appellant-claimant has filed the present appeal seeking enhancement of compensation over and above the compensation awarded by Motor Accident Claims Tribunal, Ludhiana (for short, “the Tribunal”) vide award dated 03.12.2012.

For the accident which took place on 23.05.2011, the claimant, who received injuries on the left shoulder and on vital parts of body, the Tribunal has awarded an amount of ₹48,200/- with the following heads:-

“(i)	Expenses on treatment	Rs.19,200/-
(ii)	For special diet	Rs.19,000/-
(iii)	For pain and suffering	Rs.10,000/-
	Total	Rs.48,200/-”

Learned counsel for the appellant states that adequate compensation has not been awarded. The disability suffered by the claimant was 50% though temporary but the fact remains that immediately after the treatment, he could not resume his work and remained out of job.

No one is present on behalf of respondents No.1 and 2. However, learned counsel for respondent No.3 is present and he has argued that considering the nature of injuries so suffered by the claimant, adequate compensation has already been granted.

I have heard learned counsel for the parties.

Though the Tribunal has already awarded compensation towards treatment, special diet, pain and suffering, but this Court finds that the Tribunal should have awarded compensation on account of loss of earning for the injuries so suffered in the accident. Therefore, considering the fact that immediately after treatment, the claimant must have remained out of job/rest, an additional amount of ₹15,000/- is awarded to the claimant towards loss of income.

With the enhancement of ₹15,000/- in the compensation, present appeal is disposed of. The claimant shall be held entitled for interest @ 7.5% per annum on the enhanced amount.

(HARI PAL VERMA)
JUDGE

19.03.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No