

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

FAO No.4764 of 2015(O&M)

Date of decision: 20.8.2018

SudeepAppellant

VERSUS

Jitender Kumar and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Karan Singh, Advocate for the appellant.

Mr. Vinod Gupta, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

CM No.14783-CII of 2015

Prayer in this application is for condonation of delay of 750 days in re-filing the appeal.

Heard.

In view of averments made in the application, the same is allowed and delay of 750 days in re-filing the appeal stands condoned, subject to the condition that in case the appellant succeeds in appeal, he will forgo interest for the period of delay.

Disposed of accordingly.

CM No.14784-CII of 2018

Counsel for the applicant-appellant would state that as the disability certificate is already a part of records and marked as Ex.P18, he does not press the application.

Dismissed as not pressed.

FAO No.4764 of 2015

The injured is in appeal seeking enhancement of compensation over and above what has been allowed by the Motor Accidents Claims Tribunal, Hissar (in short 'the Tribunal') vide award dated 19.09.2012.

The sole submission made by counsel for the appellant is that the injured, aged about 21 years, suffered permanent disability to the extent of 13% in relation to his lower limb in view of the disability certificate Ex.P18 but the Tribunal has not awarded any compensation qua permanent disability, loss of amenities of life and matrimonial prospects. He would further submit that the claimant would be satisfied if he is allowed additional sum of Rs.50,000/- under the aforesaid heads.

Counsel for the insurance company, on the contrary, would urge that he has got no objection if additional sum of Rs.50,000/- is allowed but subject to the condition that out of additional sum of Rs.50,000/-, claimant shall be entitled to 80% of the amount as 20% negligence has been attributed to the claimant himself.

In view of the above, the claimant is allowed additional sum of Rs.50,000/- towards permanent disability, loss of amenities of life and matrimonial prospects, payable with interest at the rate of 7.5% per annum from the date of petition till realization except for the period of delay of

750 days but the claimant shall be entitled to 80% of the additional amount
i.e. Rs.40,000/- as 20% negligence in the occurrence has been attributed to
the claimant.

Disposed of accordingly.

The appeal is partly allowed in the aforesaid terms.

AUGUST 20, 2018		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no