

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

**FAO-9546-2014 (O&M)
Date of decision : 23.01.2018**

Ashok Kumar

... Appellant(s)

Versus

Chur Singh & others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Vikram Bali, Advocate,
for the appellant.

Mr.M.B.Jain, Advocate,
for respondent No.2-Insurance Company.

AMIT RAWAL, J. (ORAL)

CM No.26446-CII of 2014

For the reasons mentioned in the application, which is supported by an affidavit, delay of 464 days in filing the appeal is condoned.

CM stands disposed of.

FAO No.9546 of 2014

The present appeal has been preferred by the appellant-injured, who received injuries in a motor accident occurred on 12.6.2011, for enhancement of compensation against the award passed by the Tribunal, whereby a compensation of ₹5,49,432/- along with interest @ 7.5 % per annum, had been awarded.

Mr.Vikram Bali, learned counsel appearing on behalf of the appellants-claimants submits that the Tribunal has awarded the compensation to the tune of ₹5,49,432/-, which is on lower side. The

appellant-claimant was working as a daily wager, but the Tribunal took the income of the injured as ₹5,000/- per month. Moreover, no compensation for future treatment has been awarded. Even the disability has been wrongly scaled down to 35% from 50% and, thus, there is scope for enhancement.

On the other hand, Mr.M.B.Jain, learned counsel appearing on behalf of respondent No.2-Insurance Company submits that the Tribunal has taken care of all the heads sufficiently and there is no scope for further enhancement, thus, urges this Court for dismissal of the appeal.

I have heard the learned counsel for the parties and appraised the paper book and of the view that there is a scope of enhancement for compensation on account of pain and suffering only. Accordingly, I enhance the compensation from ₹20,000/- to ₹50,000/- awarded on account of pain and suffering. Rest of the findings shall remain the same. The enhanced amount of compensation shall entail interest @ 6% from the date of appeal till actual realisation. However, appellant is not entitled to interest part for the period of 464 days, i.e., the delay in filing the appeal.

The award passed by the Tribunal is modified to the above extent and the appeal stands disposed of.

**(AMIT RAWAL)
JUDGE**

**January 23, 2018
ramesh**

Whether speaking/reasoned **Yes/ No**
Whether Reportable **Yes/ No**