

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

215

FAO-9758-2014 (O&M)
Date of Decision : 2.11.2018

Sandeep

....Appellant

vs.

Ram Avtar and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. R.K.Girdhwal, Advocate for
Mr. Sanjay Mittal, Advocate
for the appellant.

Mr.Rajbir Singh, Advocate for
Mr. Sanjeev Goyal, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 5.9.2014 passed by Motor Accident Claims Tribunal, Rewari awarding compensation of Rs. 12,66,510/- alongwith interest @ 7.5% per annum on account of injuries sustained by Sandeep in a motor accident.

Since limited points have been urged detailed reference to the facts is not required.

Learned counsel for the claimant-appellant states that the apportionment of disability at 12% on the whole body was wrongly taken by the Tribunal and in view of the fact that there was 34% disability in the shoulder with restriction in movement, then the functional disability would be more than 12%. I find this argument weighty and take functional

disability at 50%.

Counsel for the claimant-appellant has argued that in view of the Constitution Bench judgment of the Supreme Court in the matter of *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* 40% future prospects has to be granted. Counsel for the respondent No.3 is not in a position to deny this fact. Consequently, I award 40% future prospects.

Counsel for the claimant-appellant has pointed out that interest @ 7.5% per annum awarded by the Tribunal is very low. Consequently, I award interest @ 10% per annum on the entire amount from the date of filing of the claim petition till the date of realization.

The appeal stands disposed of with the abovesaid modifications.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

2.11.2018
anuradha

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No