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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-957-2005 (O&M)
Date of decision : 6.5.2019

Naval KohliAppellant.

Versus

Satpal and others Respondents.

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ish Puneet Singh, Advocate for
Mr. J.J. Kaur, Advocate for appellant.

Mr. Vinod Gupta, Advocate
for respondent-Insurance Company.

KULDIP SINGH, J.

Heard.

Appellant has filed the present appeal for enhancement of compensation awarded by Motor Accident Claims Tribunal, Jalandhar (for short 'the Tribunal') vide order dated 1.3.2004.

The short facts which are required to be noticed for the purpose of disposal of the present appeal are that on 26.7.2001, claimant-appellant, who was 17½ years of age, was coming on his scooter bearing registration No. PB-08-M-1870 from Dayanand Model School when he was hit from behind by the offending truck bearing registration No. PUX-8935. As a result of the accident, claimant-appellant suffered multiple injuries on his left leg, left arm and other parts of the body. The claimant-appellant was shifted to CMC, Ludhiana from Joshi Hospital. He claimed that he sustained serious crush injuries on his left leg resulting in 50% permanent disability. His claim was disputed by the respondents.

After hearing both the parties, the Tribunal allowed the medical bills coming to Rs. 2,20,000/- and Rs. 40,000/- as general damages. However, on account of 50% permanent disability, nothing was allowed.

I have heard learned counsel for the parties and perused the case file carefully.

The present appeal has been pressed on account of denial of damages on account of permanent disability to the extent of 50%. As per the certificate (Ex. A1) issued by Medical Board, claimant-appellant had suffered fracture on both bones of the left leg. He had dislocation of left ankle. There was limitation in the movement of the ankle. There was shortening of leg to the extent of 1½ inches. The total permanent disability was assessed at 50%. Since the report is by the Medical Board and these are the summary proceedings and summary inquiry is to be conducted in the claim petition, therefore, disability certificate is taken to be correct.

Learned counsel for the appellant has produced the authority of this Court contained in *Aryan vs. Iqbal and others 2016 (4) Law Herald 2844*, wherein it was held that on account of permanent disability upto 50%, Rs. 4.00 lacs are required to be awarded. A perusal of the said authority shows that it pertains to the accident which took place in the year 2010 whereas the present accident took place in 2001. For the enhanced compensation, the claimant-appellant is also to get the interest.

Therefore, considering the fact that accident is of 2001, Rs. 2.00 lacs as consolidated damages on account of 50% permanent disability are allowed over and above the amount already awarded by the

Tribunal along with interest @ 7% per annum from the date of filing of claim petition till payment.

Appeal is allowed.

(KULDIP SINGH)
JUDGE

6.5.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No