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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-3181-2011

Date of Decision: September 03, 2019

Sheetal Singh

.....Appellant

Versus

Rampal and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Ashish Gupta, Advocate
for the appellant.

Mr.Ravinder Arora, Advocate
for the respondent.

.....

NIRMALJIT KAUR, J. (ORAL)

The present appeal is filed by the claimant for enhancement of the compensation granted to him vide Award dated 05.01.2011 passed by the Motor Accident Claims Tribunal (F.T.C.) Karnal, vide which only ₹60,876/- was granted.

While praying for enhancement, it is stated that no amount has been granted towards disability, whereas the injured suffered 40% disability. It is further stated that deduction of 1/3rd in the income could not be applied as it is a injury case. It is further stated that no amount has been given towards Special Diet, Transport, attendant etc. and only ₹10,000/- has been awarded under these heads.

Learned counsel for the respondent has not been able to dispute the legal proposition with respect to the grant of ₹80,000/- towards 40% disability (₹2000/- per percentage of disability). It is also settled proposition

of law that 1/3rd cut in the income could not have been applied in the case of an injured person, who is still alive. Further this Court finds that the appellant is also entitled for enhancement of amount by another ₹10,000/- towards Special Diet, Transport, attendant etc.. Accordingly, the appellant is entitled to the enhanced amount of ₹1,00,000.00, over and above the amount already granted by the Tribunal, as per the calculation provided below:-

Head	Amount
Loss of income	₹10,000.00
40% disability	₹80,000.00 (2000 x 40)
Special Diet etc.	₹10,000.00
Total	₹1,00,000.00

The total amount of ₹1,00,000.00 as per the above calculation has to be awarded to the appellant-claimant, over and above the amount already awarded. The said amount be paid to the appellant-claimant alongwith interest @ 6% per annum from the date of filing of the claim petition in the same terms as held by the Tribunal within two months from the date of receipt of a certified copy of this order. In case the said amount is not deposited within two months from the date of receipt of a copy of this order, the same shall be deposited alongwith interest @ 12% from the expiry of the said two months.

Disposed of accordingly.

September 03, 2019
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(NIRMALJIT KAUR)
JUDGE

1. Whether speaking/reasoned ?

2. Whether reportable ?
- Yes/No
Yes/No