

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

216

FAO-3813-2012

Date of Decision : December 04, 2019

MANPHOOL

.....Appellant

VERSUS

BALDEV GOYAL AND ANR

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. K.K.Chaudhary, Advocate
for the appellant.

Mr. Ravinder Arora, Advocate
for respondent No.2-Insurance Company.

NIRMALJIT KAUR, J. (Oral)

The present appeal has been filed for enhancement of the compensation granted vide award dated 20.3.2012 by the Motor Accident Claims Tribunal, Sirsa (for short the 'Tribunal').

While praying for enhancement, learned counsel for the appellant submitted that the injury in the present case was 15% and only an amount of Rs.1,27,600/- has been granted which is on the lower side. No future loss of income has been given. The injury was towards functional disability. Therefore, the same would always come in his way of performing his daily work.

Heard.

The injury in the present case was admittedly said to be 15% and that too only qua the weakness of the right upper limb. Although even the limb has not been specified but the learned counsel for the

appellant states that the upper limb meant the arm. The said certificate shown to this Court by the learned counsel for the appellant does not state that the said injury is permanent in any manner. Nothing has been placed on record also to show that the said injury is in any way worsened or improved. It is stated that the appellant is still taking treatment. However, no such evidence has been placed on record for any subsequent treatment undertaken by the appellant. In these circumstances, the amount already granted under various heads is adequate.

However, taking into account that the appellant may have remained off work for some days, although which is not forthcoming from the award or the pleadings, this Court nevertheless deems it proper to enhance the amount by way of lump-sum of Rs.25,000/- only.

Accordingly, the present appeal is allowed to the said extent. The enhanced amount of Rs.25,000/- be deposited within two months from the receipt of certified copy of this order alongwith 6% interest from the date of the claim petition till its realization.

However, in case the same is not deposited within two months, the same shall thereafter be deposited alongwith interest @ 12% till payment after the expiry of two months.

December 04, 2019
ajay-1

(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No