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

**CM-29130-CII-2014 in/and
FAO-10588-2014**

Date of Decision: July 17, 2019

Babu Ram

.....Appellant

Versus

Parveen Kumar and another

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Rahul Deswal, Advocate
for the appellant.

Mr.Pradeep Kumar, Advocate
for Insurance Company.

.....

NIRMALJIT KAUR, J. (ORAL)

CM-29130-CII-2014

For the reasons mentioned in the application, the same is allowed and delay of 27 days in filing the appeal is condoned.

FAO-10588-2014

The present appeal has been filed for enhancement of compensation awarded by the Motor Accident Claims Tribunal, Gurgaon vide its Award dated 07.08.2014 on the ground that the appellant has suffered 22% disability but nothing has been granted to him towards future prospects and permanent disability suffered by him. It is further stated that even the amount granted towards 'Special diet and transportation' to the extent of ₹10,000.00 is also on the lower side.

Admittedly, the appellant suffered 22% disability but no

amount has been awarded to him towards the same. It is not disputed that the appellant is entitled to ₹2,000.00 per percentage towards the disability. Accordingly, he is entitled to ₹44,000.00 (₹45,000.00 lump sum) for the disability suffered by him.

However, there is no merit with respect to the prayer for enhancement under the head 'Special diet and transportation' or the future prospects. He has already been granted ₹93,600.00 towards loss of future income. There is no evidence on record to show that the appellant was not in a position to continue his job as the disability did not interfere in any manner for carrying out his duty. In fact, there is nothing on record to show that the appellant was working as a Security Guard. The amount towards hospitalisation has already been granted. Hence, no enhancement can be granted under the other heads.

In view of the above, the appellant is entitled to enhancement of ₹45,000.00, which shall be paid to him within two months from the date of receipt of a certified copy of this order alongwith interest @ 6% per annum from the date of filing of the claim petition in the same terms as held by the Tribunal. 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 thereafter alongwith interest @ 12% per annum from the expiry of the said two months.

Disposed of accordingly.

July 17, 2019
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(NIRMALJIT KAUR)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No