

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 2074 of 2014(O&M)

Date of Decision: July 11, 2019

RobinAppellant

versus

Sanjiv Gulla and othersRespondents

CORAM: HON'BLE MR.JUSTICE RAMENDRA JAIN.

Present:- Mr. Nikunj Dhawan, Advocate for
Mr. M.S. Khillan, Advocate
for the appellant.

Service of respondent no.1 was dispensed with
vide order dated 10.07.2019.

Mr. Subhash Goyal, Advocate
for respondent nos. 2 and 4.

None for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

The claimant has come before this Court by way of instant appeal for enhancement of compensation awarded by learned Motor Accidents Claim Tribunal, Karnal vide award dated 18.03.2013, whereby, he was granted compensation of Rs.2,90,240/- on account of the injuries suffered by him in a motor vehicular accident.

Learned counsel for the appellant has relied upon the judgments of Hon'ble the Supreme Court titled as **Kishan Gopal and another vs. Lala and others, 2013 (10) SCR 793, Magma General Insurance Co. Ltd. vs. Nanu Ram alias Chuhru Ram and others in Civil Appeal No. 9581 of 2018 and R.K. Malik and another vs. Kiran Pal and others in Civil Appeal No. 3608 of 2009.**

Heard.

In para no.31 of the impugned award, it has been specifically observed by learned Tribunal that the appellant-claimant had suffered 19% permanent disability on account of amputation of three fingers of right hand in the accident in question. Though the injuries and disability is qua a particular limb, but since the right hand is the main part of a human being, therefore, amputation of three fingers of right hand of the appellant would not only create hurdle in his day to day life, but would also effect his efficiency in earning.

Considering this aspect of the matter and the nature of the injuries suffered by the appellant, compensation awarded to the appellant from Rs.2,90,240/- is enhanced to lump-sum amount of Rs.5,00,000/- which includes interest. The same shall be deposited by the respondent-insurance company before learned Tribunal within a period of one month from today, failing which the appellant shall be entitled to interest @ 10% per annum from the date of filing of this appeal till realization.

Appeal stands disposed of.

11.07.2019
dinesh

(RAMENDRA JAIN)
JUDGE

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