

221

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

FAO-2569-2015

Date of Decision: July 02, 2019

Narender minor son of Raghbir through his mother and natural guardian
Smt.Sukhi Devi

.....Appellant

Versus

Rahul Saini and another

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.R.K.Saini, Advocate for the appellant.

Mr.Ajay Aggarwal, Advocate for
Mr.Sandeep Goyat, Advocate
for respondent No.1.

Mr.Suvir Dewan, Advocate
for respondent No.2.

.....

NIRMALJIT KAUR, J. (ORAL)

The appeal has been filed against the order and judgment dated 05.01.2015 passed by the Motor Accident Claims Tribunal, Hisar, seeking enhancement of the compensation awarded to the appellant-claimant on account of injuries suffered by him. While praying for enhancement, learned counsel for the appellant submitted that the appellant has suffered grievous injuries and fracture on his both bone leg bilateral and fracture L-2/L-3. He has remained hospitalised and confined to bed for about one year. His disability has been assessed @ 20% qua the limb. Hence, the amount towards pain and suffering is inadequate. It is further stated that even the amount towards disability is meagre.

however, states that age of the appellant-claimant is only 15 years and hence, the amount awarded is sufficient.

After hearing learned counsel for the parties, this Court finds that the amount awarded towards permanent disability is on the lower side. The appellant being only 15 years of age was, in fact, entitled to future prospects as the disability would always come in his way of getting a better job as well as in marriage and he even may require help etc. on account of his disability. Even the fact that the appellant could not attend his classes due to the accident has not been taken into consideration. Hence, it would be appropriate to enhance the amount by ₹1,00,000/- towards the head disability, over and above the amount already granted to the appellant-claimant.

In view of the above, the appeal is allowed to the extent of enhancement of ₹1,00,000/- towards his permanent disability suffered by him over and above the amount already granted to the appellant-claimant. The enhanced amount be disbursed to the appellant by way of a demand draft in his name within two months from the date of receipt of a certified copy of this order. In case the said amount is not paid within two months from the date of receipt of a certified copy of this order, the respondent-Insurance Company shall be liable to pay the same with 12% interest from the date of expiry of two months till payment.

July 02, 2019
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(NIRMALJIT KAUR)
JUDGE

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

Yes/No
Yes/No