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

FAO-4222-2015

Date of Decision: October 30, 2019

Dayanand

.....Appellant

Versus

Om Prakash and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Ms.Mehak Sawhney, Advocate for
Mr.Vinod S.Bhardwaj, Advocate
for the appellant.

Mr.Ashwani Talwar, Advocate
for respondent No.3-Insurance Company.

.....

NIRMALJIT KAUR, J. (ORAL)

Learned counsel for the appellant while praying for enhancement of the amount granted towards compensation vide Award dated 19.03.2015 submitted that the claimant-injured suffered 100% disability but nothing has been awarded to him towards future medical expenses and nor any amount has been granted to him towards attendant and the amount awarded under the head pain and suffering is on the lower side.

Heard.

The total amount of ₹47,77,617.00 has been awarded by the Tribunal. Out of this, an amount of ₹41,54,976.00 alone is on account of permanent partial disablement. The argument that no amount has been granted towards future medical expenses has no merit. Admittedly, the medical expenses are borne by the Department and the Insurance Company is not liable for the same in the present case. More over, this Court finds

that the amount already awarded is sufficient taking into account that as per the salary record, the petitioner was getting total gross salary and ration money of ₹22021.00 + ₹1640.00. The said amount and nor the amount towards pension has been deducted. The Insurance Company too has shown its magnanimity of not filing any cross-appeal. However, there is merit in the argument to the extent that no amount has been granted towards attendant and the amount towards pain and suffering is only ₹50,000.00.

In these circumstances, this Court deems it appropriate to grant another ₹1,00,000.00 as lump sum towards pain and suffering as well as attendant charges.

Let the enhanced amount of ₹1,00,000.00, as per the above calculation, 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.

October 30, 2019
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(NIRMALJIT KAUR)
JUDGE

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

Yes/No
Yes/No