

Jale Singh

.....Appellant

Versus

Pardeep Kumar and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. J.P. Sharma, Advocate
for the appellant.Mr. R.N. Singal, Advocate
for respondent No.2.**NIRMALJIT KAUR, J. (ORAL)**

The present appeal has been filed for enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Narnaul (for short, the Tribunal) i.e. ₹1,08,500/- vide award dated 08.05.2014.

While praying for the enhancement of compensation, learned counsel for the appellant submits that nothing towards loss of future income has been awarded. The amount awarded towards pain, agony and suffering is very inadequate especially taking into account that the appellant has suffered 30% disability.

Learned counsel for respondent No.2-Insurance Company states that infact ₹60,000/- has been awarded towards disability, which is towards future loss of income. Secondly, there is no loss of income as the appellant is in Army, he will continue to get his pension after retirement. There is no loss of promotion etc.

Heard.

It is relevant to note here that the Army officials retire from the Army at a young age. They are normally physically fit at that age to seek self employment, do agricultural or civil employment. The disability is bound to affect his quality of life, which is described as under:-

“compound communitied fracture both bones right leg with amputation of 2nd and 3rd and 4th toes right foot with gastrocnemius flap (range of motion right ankle reduced by 20% with malunited fracture both bones right leg with deep complications with shortening right lower limb by one inch)”

Accordingly, this Court finds that the amount of ₹60,000/- awarded towards loss of enjoyment of the amenities of life is highly inadequate and the same requires to be enhanced by awarding ₹90,000/- i.e. ₹1,50,000/- towards this head including the amount towards pain, agony and inconvenience suffered by the appellant during the said period of his hospitalization and treatment especially taking into account that he has entire life before him being only 31 years of age.

The said enhanced amount of ₹90,000/- shall be deposited within two months from today alongwith 6% interest per annum from the date of filing of the claim petition. In case the same is not deposited within two months, the same shall be paid with 12% interest from the expiry of the period of two months.

The appeal is disposed of accordingly.

05.07.2019
sandeep

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No