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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-2147-CII-2015 in/and
FAO-807-2015
Date of Decision: July 17, 2019

Aman Kumar

.....Appellants

Versus

Suresh Kumar and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Gopal Sharma, Advocate
for the appellant.

Mr.Gulshan Nandwani, Advocate
for respondent Nos.1 and 2.

Mr.V.M.Gupta, Advocate with
Mr.Anshul Sharma and Mr.Varun Mittal, Advocates
for respondent No.3.

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NIRMALJIT KAUR, J. (ORAL)

CM-2147-CII-2015

For the reasons mentioned in the application, the same is
allowed and delay of 189 days in filing the appeal is condoned.

FAO-807-2015

The appeal has been filed for enhancement of compensation
awarded by the Motor Accident Claims Tribunal, Rewari vide Award dated
05.04.2014 vide which the total amount of ₹8,52,603.00 has been granted in
a case where the permanent disability suffered by the appellant is 70%.
While praying for enhancement, learned counsel for the appellant submitted
that nothing has been awarded towards future prospects or towards his

marriage prospects taking into account that he was only 18 years of age.

Learned counsel for the respondent-Insurance Company, however, while opposing the prayer for enhancement submitted that it is a case of injury and that the injury is not such which shall deprive the appellant of future prospects or marriage prospects. It is further stated that loss on account of disability has already been granted. Hence, the appellant-claimant is not entitled to any further enhancement especially taking into account that such injury is not qua the full body and is only qua limb.

Having heard learned counsel for the parties, there appears to be merit in the argument of both the parties. It is correct that the disability suffered by the appellant-claimant is 70% and the said disability being permanent and with no evident sign of improvement is likely to only get worse. The injured is only 18 years of age and such an injury is bound to come in his way of seeking a certain kind of job and his choice to select service would be limited. Therefore to say that the appellant is not entitled to any future prospects or marriage prospects is not correct. At the same time, keeping in mind that an amount of ₹7,56,000.00 has already been awarded on account of loss of income on account of disability, interest of justice would be met if some amount is awarded towards loss of future prospects as well as marriage prospects to the extent of ₹2,00,000.00.

In view of the above, the amount already granted towards compensation is enhanced by an amount of ₹2,00,000.00, which shall be paid by the respondent-Insurance Company alongwith 6% interest 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

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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.

July 17, 2019
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**(NIRMALJIT KAUR)
JUDGE**

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|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |