

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

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FAO-6417-2017(O&M)

Date of Decision : September 05, 2019

GIRWAR PARSHAD

.....Appellant

VERSUS

HARENDER AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. M.S.Randhawa, Advocate
for the appellant.

Mr. Lalit Gupta, Advocate
for the respondent-Insurance Company.

NIRMALJIT KAUR, J. (Oral)

CM-20488-CII-2017

Allowed, as prayed for.

Main case

The present appeal is filed for enhancement of the amount granted by the Motor Accident Claims Tribunal, Narnaul vide award dated 3.4.2017.

While praying for enhancement of the compensation awarded to the injured-claimant, learned counsel for the appellant submitted that the appellant suffered 100% disability. He is still in coma and, therefore, the amount granted towards pain and suffering, services of attendant, transportation, nutrition and diet is on the lower side. Even the income assessed is only Rs.6,000/- per month whereas he was an electrician.

Learned counsel for the respondent-Insurance Company while opposing the enhancement submitted that there is no proof of the income

and, therefore, Rs.6,000/- per month was correctly assessed. However, learned counsel for the Insurance Company is not able to dispute that the amount granted under the other heads is on the lower side.

Accordingly, the amount granted towards pain and suffering is enhanced by Rs.25,000/-. Similarly, for the services of attendant which the injured-claimant is going to require throughout his life and he being 45 years of age at the time of the accident and the same is required to be enhanced by another Rs.1,00,000/-. Simultaneously, the amount regarding transportation, nutrition and diet has to be increased which will be continuous requirement of his remaining life. Therefore, for transportation Rs.25,000/- and Rs.20,000/- are enhanced for the nutrition and diet. Thus, the total enhanced amount comes to Rs.1,70,000/-.

Accordingly, the present appeal is allowed to the said extent. The enhanced amount of Rs.1,70,000/- be deposited within two months from the receipt of certified copy of this order alongwith 6% interest from the date of the claim petition till realization.

However, in case the same is not deposited within two months, the same shall thereafter be deposited alongwith interest @ 12% till payment after the expiry of two months.

September 05, 2019
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(NIRMALJIT KAUR)
JUDGE

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