

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

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FAO No.4133 of 2015 (O&M)

Date of decision: 22.04.2019

RAJPAL

... Appellant

Versus

GOYUR AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Amrita Nagpal, Advocate
for the appellant.

Mr. Lalit Garg, Advocate and
Ms. Vandana Malhotra, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 28.10.2010.

The Tribunal awarded Rs.7,39,000/-, detailed hereunder:-

Compensation for disability & future income	Rs.3,84,000/-
Loss of future prospects and enjoyment of life	Rs.1,50,000/-
For artificial limb	Rs.1,00,000/-
Pain, sufferings and attendant charges	Rs.64,000/-
Medical bills	Rs.37,000/-

Counsel for the parties are *ad idem* that even if compensation with regard to disability is assessed by taking into consideration the structured formula provided in the Second Schedule appended to Section 163-A of the Motor Vehicles Act, 1988 coupled with the provisions of Schedule 1 of the Employees Compensation Act, 1923, there would be increase of Rs.560/- and accordingly plea of the claimant/appellant for enhancement may be accepted. However, counsel for the appellant would argue that the Tribunal has allowed interest @ 9% per annum only in case the insurance company failed to pay compensation within two months. It is argued that since the claimant has been held entitle to compensation, there was no reason with the Tribunal to deny payment of interest from the date of petition.

In view of the concession recorded by counsel for the parties, claimant is held entitle to additional sum of Rs.560/- towards compensation. The Tribunal has not assigned any reason to deny payment of interest from the date of petition or extend concession of non-payment of interest in case compensation is paid within two months, thus, the claimant shall be entitle to interest @ 7.5% per annum from the date of petition till realization on compensation assessed by the Tribunal and additional amount aforesaid.

The appeal is partly allowed in the aforesaid terms.

22.04.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No