

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

**FAO No.867 of 2000
Date of Decision:04-07-2022.**

Jaswinder Singh

.....Appellant

Versus

Harpal Singh and others

.....Respondents.

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Ms. Raina Sabharwal Thakur, Advocate
for the appellant.

Mr. Abhishek Goyal, Advocate for
Mr. Pardeep Goyal, Advocate
for respondent No.3-Insurance Company.

MEENAKSHI I. MEHTA, J.(Oral)

Feeling aggrieved and dis-satisfied by the Award dated 26.11.1999 passed by learned Motor Accident Claims Tribunal, Hoshiarpur (for short 'the Tribunal) whereby the appellant-claimant (here-in-after to be referred as 'the claimant') has been awarded compensation to the tune of Rs.1.25 lac, he (claimant) has preferred the instant appeal for seeking enhancement of the same.

2. The claimant filed the claim petition against the respondents, being the respective driver, owner and insurer of the truck bearing registration No.JKQ 3313 (for short 'the offending vehicle), for seeking compensation on account of the injuries sustained by him in the motor

vehicular accident, while averring that the offending vehicle had been wrongly and negligently parked on the left side of the road without giving any parking signal/indicator and it was loaded with the iron-rods which were protruding out of its body to the extent of 2½ feet and his motor-cycle dashed against its rear side and he sustained injuries on his face, eyes and other parts of his body, resulting in the loss of vision in both his eyes and his face was also disfigured due to the said injuries. Respondents No.1 & 2 submitted their joint written reply and respondent No.3 filed its separate written reply wherein they contested the claim of the claimant, *inter-alia*, on the ground that the accident in question had taken place due to his (claimant's) own fault and negligence.

3. The parties were put to the trial by framing the issues and they led their evidence, oral as well as documentary, in support of their respective contentions and after appreciating and evaluating their evidence and hearing their learned counsel, the Tribunal awarded compensation to the claimant as discussed in the opening para of this judgment.

4. I have heard learned counsel for the appellant as well as learned counsel for respondent No.3 in this appeal and have also perused the record carefully.

5. Learned counsel for the appellant-claimant has contended that the claimant had suffered grievous injuries in the above-said accident, causing loss of his eye-sight and the disfigurement of his face which have deteriorated the quality of his life forever and therefore, the aforementioned amount of compensation, as awarded to him by the Tribunal, is

quite insufficient and hence, he (claimant) is entitled to the enhancement of the same.

6. Per contra, learned counsel for respondent No.3 has argued that the claimant had been serving as a Government employee prior to and even after the accident in question and thus, he did not suffer any financial loss due to the injuries sustained by him in the said accident and it being so, the amount of compensation, as awarded to him, is quite sufficient.

7. In para No.13 of the impugned Award, it has categorically been observed that AW-2 Dr. J.N. Dutta had proved the issuance of disability-certificate Exhibit A-1 to the claimant, wherein he (claimant) was certified to have suffered 100% disability of both his eyes. Though, while appearing as AW-1, he (claimant) has stated during his cross-examination that he was still in service and was getting the full salary but however, the fact remains that after having gone blind, he would never be able to enjoy the life like a person with normal eye-sight. Keeping in view the above-discussed facts and circumstances, this Court is of the considered opinion that it would be in the fitness of the things if the claimant is awarded another amount of Rs.50,000/- as enhanced compensation.

8. As a sequel to the fore-going discussion, the appeal in hand is hereby allowed to the effect that the appellant-claimant shall be entitled to the enhanced compensation of Rs.50,000/-, in lump-sum, over and above the amount of compensation already awarded to him by the Tribunal. The afore-said amount shall be payable by respondent No.3-insurance company within a period of three months from the date of this judgment failing

which it (respondent No.3) shall be liable to pay interest on the said amount @ 7.5% per annum.

04th July, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>