

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

142

FAO No.3184 of 2022 (O&M)

Date of Decision : 18.07.2022

Oriental Insurance Co. Ltd.

....Appellant

VERSUS

Priyanshu minor son of Shikha & Ors.

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashwani Talwar, Advocate for the appellant.

ALKA SARIN, J. (Oral)

The present appeal has been preferred by the Insurance Company challenging the quantum of compensation awarded by the Motor Accident Claims Tribunal, Karnal to the claimant-respondent no.1 on account of injuries received by him due to the accident.

Since the facts of the present case are not being disputed, thus the same are not being adverted to for the sake of brevity.

The only argument raised by learned counsel for the appellant is that earlier disability certificate dated 02.01.2019 (Ex.P-127) showed that the claimant had suffered disability to the extent of 50%. However, subsequently the disability is shown to be 80%. Learned counsel for the appellant has referred to the statement of PW21 Dr. Saurab Gupta wherein he has stated that the condition of the patient is likely to improve and reassessment of disability was recommended.

I have heard learned counsel for the appellant.

In the present case, the only argument raised by learned counsel for the appellant is *qua* the degree of disability suffered by the claimant-respondent no.1. In the disability certificate dated 02.01.2019 (Ex.P-127)

issued by the Board, the disability has been mentioned as 50%. However, subsequently the claimant was reassessed by the Board and his disability on 10.03.2021 was reassessed as 80%. PW21 Dr. Saurab Gupta proved on record the disability certificate of the injured as Ex.P128. He deposed that he alongwith the other members of the Board has assessed the disability to the extent of 80%. He further deposed that in the accident the injured had received head injuries with quadriparesis and dysphasia with abnormal gait. In his cross-examination, he explained that the meaning of quadriparesis is weakness of all four limbs and as per the assessment of the Board the disability with regard to quadriparesis was 75% and rest was due to difficulty in speaking. It is not the case of the appellant that the second disability certificate is a procured one or forged and fabricated in any manner. There is no evidence on the record to show that there was any reason to doubt the certificate dated 10.03.2021 issued by the Board.

In view of the above, I do not find any reason to interfere in the award passed by the Tribunal. The appeal stands dismissed. Pending applications, if any, also stand disposed off.

18.07.2022
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO