

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

223

FAO-2030-2016 (O&M)
Date of decision: 20.07.2022

Rameshwar DayalAppellant
Versus
Deewan Singh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. J.P. Janga, Advocate
for the appellant.

Mr. Rahul Pathania, Advocate for
Mr. R.C. Kapoor, Advocate
for respondent No.3-Insurance Company.

MANJARI NEHRU KAUL, J. (ORAL)

This appeal has been filed by the injured claimant to impugn the award passed by learned Motor Accidents Claims Tribunal, Rewari (for short, 'the Tribunal') wherein the following compensation was awarded to him on account of the injuries suffered by him in a motor vehicular accident which took place on 21.10.2013:-

Sr. No.	Head	Amount
1.	Compensation for 70% permanent disability	Rs.2,10,000/-
2.	Expenditure incurred on medical treatment, medicines, physiotherapy etc.	Rs.35,450/- + Rs.2,584/- + Rs.42,000/- = Rs.80,034/-
3.	Transportation Charges	Rs.15,000/-
4.	Pain and suffering	Rs.15,000/-
5.	Future expenses on treatment	Rs.15,000/-
6.	Attendant and Special diet chages	Rs.15,000/-
	Total compensation	Rs.3,50,034/- (rounded off to Rs.3,50,000/-)

Learned counsel for the appellant submits that the injured was a 50 years old, registered medical practitioner, running his own clinic, when the accident in question took place. He was earning Rs.30,000/- per month from his clinic besides earning Rs.1.5 lakhs per

annum from agriculture. On account of the injuries received in the accident he remained hospitalized for seven days and had suffered 70% permanent disability on his upper limbs. Resultantly, he was now unable to move and travel all by himself and on account of his permanent disability he was also unable to devote the same time to his medical practice and agriculture which he was doing prior to the accident in question. While drawing the attention of this Court to the disability certificate Ex.PW4/A he submitted that even the doctor had categorically deposed that on account of post traumatic brachial plexus injury he would not be able to use his right upper limb properly. It was submitted that even though enough evidence in the form of hospital bills/medical bills was produced before the Tribunal, however, the Tribunal had failed to take them into account while granting the compensation. It was also submitted that the appellant had not been adequately compensated for his permanent disability. Hence, the impugned award deserved to be reassessed and modified accordingly.

Per contra, learned counsel for the insurance company opposed the prayer made by the counsel opposite by urging that the impugned award did not warrant any interference as the appellant had been adequately compensated after taking into account not only the injuries suffered but also the expenses incurred by him during his treatment after the accident.

I have heard learned counsel for the parties and perused the relevant material on record.

In the facts and circumstances of the case, this Court is of the considered opinion that the injured deserves to be compensated for

loss of income which he would have naturally suffered on account of the permanent disability suffered by him on his upper limbs to the extent of 70%. As per PW4 Dr. Ashok Saini, the injured would not be able to use his right upper limb properly in future and hence this Court deems it fit to grant another sum of Rs.60,000/- towards of loss of future income, over and above the compensation, awarded by the Tribunal.

Accordingly, the claimant is entitled to a total compensation amount of Rs.4,10,000/- (Rs.3,50,000/- + Rs.60,000/-) along with interest @ 7.5% per annum from the date of filing of the claim petition till the date of actual payment which would be paid jointly and severally by the respondents.

With the above modification, the instant appeal stands disposed of accordingly.

20.07.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No