



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

289

FAO-1047-2017 (O&M)
Date of Decision : 04.12.2024

NEW INDIA ASSURANCE CO. LTD. Appellant

VERSUS

NAJIM AND ORS. Respondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Neeraj Khanna, Advocate for the appellant.

Mr. Ashish Gupta, Advocate for respondent No.1.

None for respondents No.2 and 3 despite service.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the appellant-Insurance Company challenging the award dated 04.11.2016 passed by the Motor Accident Claims Tribunal, Mewat (hereinafter referred to as ‘the Tribunal’). The appellant-Insurance Company is aggrieved by the quantum of compensation so awarded by the Tribunal. The factum of the accident is not disputed by either of the parties.
2. The Tribunal had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Loss of monthly income	₹6,000
2.	Loss of annual income	[₹6,000 x 12] = ₹72,000
3.	Transportation charges	₹50,000
4.	Attendant charges	₹60,000
5.	Pain and suffering	₹2,00,000
6.	Medical Bills	₹7,560
7.	Medical expenses	₹65,000
8.	Total Compensation	₹4,54,560
	Interest	@ 7.5% per annum

3. The only argument raised by the learned counsel for the appellant-Insurance Company is that the compensation awarded is on the higher side as there was/is no permanent disability.

4. *Per contra*, learned counsel for respondent No.1 would contend that as per the discharge card (Ex.P-12) there was fracture at two places of the right leg. Admittedly, respondent No.1 remained admitted in hospital from 15.06.2015 to 09.07.2015. It is further the contention that respondent No.1 could not attend work for a period of almost one year.

5. Heard.

6. In the present case respondent No.1 herein remained admitted in hospital due to two fractures on his right leg from 15.06.2015 to 09.07.2015 i.e. for a period of about 25 days. Keeping in view the nature of the injuries received by respondent No.1 and the fact that he remained hospitalized for a period of 25 days and he could not attend the work for a period of one year, no fault can be found with the award passed by the Tribunal concerned. The present appeal, being devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

04.12.2024

Aman Jain

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No