
(2015) 04 P&H CK 0396

In the Punjab And Haryana At Chandigarh

Case No : First Appeal from Order No. 2447 of 2006 (O and M)

Ompati

APPELLANT

Vs

Subhash and Others

RESPONDENT

Date of Decision : 30-04-2015

Acts Referred:

Citation : (2015) 179 PLR 233

Hon'ble Judges : Shekher Dhawan, J

Bench : Single Bench

Advocate : Kulvir Narwal, for the Appellant

Final Decision : Allowed

Judgement

Dr. Shekher Dhawan, J—Claimant-appellant is in appeal before this Court and seek enhancement of compensation, awarded by Motor Accidents Claims Tribunal, Jhajjar (hereinafter to be referred as "The Tribunal"), vide award dated 21.02.2006. Relevant facts for the purpose of decision of the present appeal that on 25.06.2003, claimant along with her son was going and meanwhile truck bearing registration No. HR-55C/2525, which was being driven by respondent No. 1 in rash and negligent manner and at a high speed came from the opposite side and struck against the claimant while coming to the wrong side. Claimant sustained serious and grievous injuries. The matter was reported to the police. The claim petition was filed. "The Tribunal" after considering the material and evidence available on file, awarded compensation of Rs. 4,10,000/-. Claimant being dissatisfied with the Award of amount is in appeal before this Court.

2. At the time of arguments, Mr. Kulvir Narwal, Advocate, learned counsel for the appellant took the plea that "The Tribunal" has not awarded just compensation because as per law laid down by Hon'ble Supreme Court in case Lata Wadhwa and Others Vs. State of Bihar and Others, (2001) 2 ACC 316 : (2001) ACJ 1735 : AIR 2001 SC 3218 : (2001) 91 FLR 705 : (2001) 6 JT 431 : (2001) 2 LLJ 1559 : (2001) 5 SCALE 286 : (2001) 8 SCC 197 : (2001) AIRSCW 3086 : (2001) 6

Supreme 151 , income of house maker is to be taken. More so, as per law laid down by Hon"ble Supreme Court in case Rajesh and Others Vs. Rajbir Singh and Others, (2013) 2 ACC 841 : (2013) ACJ 1403 : (2013) 3 CTC 883 : (2013) 8 JT 288 : (2014) 173 PLR 779 : (2013) 3 RCR(Civil) 170 : (2013) 6 SCALE 563 : (2013) 9 SCC 54 : (2014) 1 SCC(L&S) 149 , enhancement on account of future earnings is to be added keeping in view the age of the injured in such cases. "The Tribunal" has not awarded any amount on account of attendant charges, enjoyment of life. So, the compensation be enhanced suitably.

3. Mr. Ravinder Arora, Advocate, learned counsel for the respondent-Insurance Company, took the plea that "The Tribunal" has already awarded just compensation and appeal deserves dismissal.

4. Having considered the rival contentions raised by counsel for both the parties, this Court is of the considered view that claimant had sustained 100% disability because of spinal injuries. "The Tribunal" has not awarded just compensation and the same requires enhancement and the amount of compensation is reassessed as under:-

5. The enhanced amount of compensation of Rs. 13,000/- shall be payable within a period of one month, failing which, the appellant shall be entitled to recover interest @ 7.5% per annum from today. However, the remaining conditions regarding payment of interest and disbursal amount of awarded compensation shall remain unaltered. Accordingly, the present appeal is accepted partly.