

(2008) 12 J&K CK 0017
In the Jammu And Kashmir High Court
Case No : CIMA No. 209 Of 2006

United India Insurance Co.	Vs	APPELLANT
Surinder Sharma and Ors.		RESPONDENT

Date of Decision : 15-12-2008

Acts Referred:

Citation : (2008) 12 J&K CK 0017

Hon'ble Judges : J.P.Singh, J

Bench : Single Bench

Advocate : Suneel Malhotra, R.P.Jamwal, Advocates appearing for the Parties

Judgement

United India Insurance Company Limited has preferred this appeal questioning award of an amount of Rs. 35,000/ to Surinder Sharma respondent

as compensation for the grievous injuries he had sustained in a motor vehicular accident which had occurred because of the rash and negligent

driving of Matador bearing Registration no. JK02F2867 which stood insured with the appellant Insurance Company.

Heard learned counsel for the parties.

The evidence produced by the claimant in support of his claim petition no. 266/ claim indicates him to have suffered 5% permanent disability of left

foot besides other injuries over his body. He had remained on bed for a period of one year during which period he is stated to have suffered pain

and agony. No evidence has been produced by the appellant Insurance Company to controvert the case projected and proved by the claimant

demonstrating the pain and sufferings he had suffered besides losing the amenities of life for the period he remained on bed.

Award of an amount of Rs. 15,000/ for the loss of amenities of life, Rs. 15,000/

for pain and sufferings and Rs. 5,000/ on account of medical expenses allowed by the Tribunal, cannot thus be said to be in any way excessive, as projected by the appellant.

Appellant's learned counsel was thus unable to refer to any such material on records on the basis whereof findings of the Tribunal could be faulted.

Amount awarded by the Tribunal is found to be just compensation to which the respondent is entitled to and, in that view of the matter, I do not find any merit in the Insurance Company's appeal, which is accordingly dismissed.

The amount deposited by the appellant Insurance Company in this appeal shall be released in favour of the respondent claimant along with interest accrued thereon.