

Fao No.2052 of 2002 Vs. Fao No.2052 of 2002

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Court : Punjab and Haryana

Decided On : Feb-10-2014

Appellant : Fao No.2052 of 2002

Respondent : Fao No.2052 of 2002

Judgement :

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH FAO No.2052 of 2002 Date of Decision: February 10, 2014 Dilawar SinghAppellant versus Ajit Kumar and othersRespondents CORAM: HON'BLE Mr.JUSTICE KULDIP SINGH Present: Mr.Sanjay Jain, Advocate for the appellant.

Mr.R.N.Singal, Advocate for respondent No.3-Insurance Company Kuldeep Singh.

J (Oral) This is the claimant's appeal for enhancement of compensation granted by the Motor Accident Claims Tribunal, Ambala, on account of injuries received by the claimant in the motor vehicle accident.

On 27.12.1997, when the claimant was driving Maruti car bearing No.HR-01D-0993, he was hit by a bus bearing No.HR-37- 1873.

As a result of which, he received injuries on various parts of the body including the right eye.

The Tribunal awarded the compensation of ` 82,400/-.

I have heard learned counsel for the parties and have also gone through the case file.

Learned counsel for the claimant seeks compensation for loss of job, stating that claimant had lost the job of driver on account of impairment of vision of right eye to the extent of 30%, as coming out from the medical certificate (Ex.P-1).It is stated that the claimant was working as a Driver with 'Nand Lal and Sons' and he was Rani Sarita shunted out from the job.

Compensation for the loss of job should be 2014.02.18 10:26 I attest to the accuracy and integrity of this document Chandigarh FAO No.2052 of 2002 -2- granted, if the claimant is not able to do any job.

It has not come on file that claimant was shunted out from the job.

The visible impairment of one eye to the extent of 30% does not mean that the claimant was unable to do any job.

Therefore, merely on the basis of presumption and guess work, no compensation can be granted on account of loss of job.

Learned counsel for the claimant has further argued that the claimant remained admitted in hospital from 27.12.1997 to 08.01.1998 i.e.for 12 days.

The Tribunal has awarded ` 25,000/- for pain and suffering but nothing has been awarded for special diet for those 12 days.

Keeping in view the price index of the year 1998, ` 300/- per day for special diet is allowed, which comes to ` 3,600/-.

Learned counsel for the claimant has further argued that though the Tribunal has granted ` 45,000/- for permanent disability while considering disability certificate Ex.P-2, which shows that the claimant suffered disability to the extent of 25%, but the Tribunal has not considered certificate Ex.P-1 regarding 30% impairment of vision of his right eye.

He claims compensation for the same.

Considering that the claimant has lost the vision of right eye to the extent of 30% and consequently it will affect the enjoyment of his life and day to day working, a consolidated sum of ` 25,000/- on account of reduction in the vision of right eye is allowed.

Therefore, the compensation of ` 28,600/- is enhanced over and above the compensation already granted by the Tribunal, which shall Rani Sarita 2014.02.18 10:26 I attest to the accuracy and integrity of this document Chandigarh FAO No.2052 of 2002 -3- be paid to the claimant with 9% per annum from the date of filing of the claim petition till its realization.

Other terms and conditions imposed by the Tribunal shall remain same.

(KULDIP SINGH) February 10, 2014 JUDGE sarita Rani Sarita 2014.02.18 10:26 I attest to the accuracy and integrity of this document Chandigarh

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