

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

F.A.O. No. 158 of 1991

Date of decision : February 04, 2015

Mangal Singh

....Appellant

versus

Harbans Singh and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. M.S.Kang, Advocate, for the appellant

Mr. BS Sra, Additional Advocate General, Punjab
for respondent no. 2

Fateh Deep Singh, J. (Oral)

The claimant-appellant has laid challenge to consolidated award dated 17.10.1988 passed by learned Motor Accident Claims Tribunal, Hoshiarpur.

At the very onset keeping in view that the records stood destroyed in the fire not much evidence is available on the reconstructed records.

After going through the arguments of Mr. M.S.Kang, Advocate, for the appellant and Mr. BS Sra, Additional Advocate General, Punjab for respondent no. 2, it is well established and is not even disputed that it was on 19.10.1987 while travelling in Punjab Roadways Bus No. PBQ-4515 owned by respondent no. 1-Punjab Roadways claimant Mangal Singh who was aged 40 years working as a carpenter suffered accidental injuries resulting in shortening of his right leg.

As has been contended on behalf of the appellants, the claimant was earning Rs 50/- per day from his avocation though nothing has come up by way of documentary evidence. However, having regard to the normal wages in such an avocation at the time of accident, the same cannot be put to question. It has remained unrebutted that the claimant remained admitted in hospital from 19.10.1987 to 23.11.1987 and thus for a period of almost 36 days remained under hospitalization. The Tribunal has awarded Rs 34,000/- on account of the injuries and its resultant. Keeping in view that the claimant has lost man-days at his work causing financial loss besides spending money on his treatment, future loss of earning which must have also adversely effected his enjoyment of life and which fact has remained unaddressed by the Tribunal. Relying upon *R.D. Hattangadi vs. Pest Control (India) Private Limited 1995 (2) PLR 298 SC*, the claimant is

certainly entitled to following compensation :-

(a) Pecuniary compensation:-

(i) Compensation assessed on account of medical expenses.	Rs 25,000/-
(ii) Compensation assessed on account of special diet, service of attendant and conveyance	Rs 8,000/-
(iii) Compensation assessed on account of loss of earning, past and future	Rs 10,000/-

(b) Non Pecuniary compensation:-

(i) Compensation on account of physical pain, mental agony, sense of wrong etc.	Rs 7,000/-
(ii) Compensation on account of loss of beauty, pleasures of life etc.	Rs 10,000/-
(iii) Compensation on account of physical disability	Rs 20,000/-
Total	Rs 80,000/-

The learned Tribunal has failed to take into consideration all these and has thus fallen into error necessitating intervention by this Court. The compensation awarded by the Tribunal was not fair and just and thus needs to be enhanced. The claimant is entitled to a total sum of Rs 80,000/-. (Rupees Eighty thousands only). The interim compensation paid, if any, shall be adjusted. Rest of the stipulations laid down by the Tribunal need not be disturbed. However, the appellant shall be entitled to interest

on the enhanced amount @ 7.5% per annum from the date of filing of the appeal till realization.

With the aforesaid modification in the impugned award, the appeal stands allowed. No costs.

February 04, 2015
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(Fateh Deep Singh)
Judge