

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO No.1118 of 2000 (O&M)

Date of decision: 03.09.2015

Karnail Singh

... Appellant

versus

Balwinder Kaur

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Nikunj Dhawan, Advocate for the appellant.

Mr. Neeraj Khanna, Advocate for the respondent.

K.Kannan, J.

The appeal is enhancement of compensation for a serious injury suffered in a motor accident that took place on 02.02.1996. The injury resulted in amputation of his leg on 23.10.1996. There were 4 spells of hospitalization, one between the 02.02.1996 to 09.04.1996, second time on 08.06.1996 to 14.06.1996 both at the CMC Hospital Ludhiana, on 22.10.1996 to 14.11.1996 at the hospital at Hoshiarpur and on 02.05.1997 to 05.05.1997. The claimant was said to be working as a hospital attendant and there was an evidence to the fact that he was getting Rs.1,200/- and there was also an evidence that he was an agriculturist too and earning Rs. 1,500/- per month. The Court provided for the medical bills to the tune of Rs. 97,000/-, Rs. 5,000/- for transportation, Rs.10,000/- towards pain and suffering and assessed the

loss of income at Rs.1,29,600/-. I find the assessment to be inadequate and had reassess the same and tabulate as. I find the assessment to be grossly inadequate and it has not provided for several heads of claim which ought to have been properly assessed. For prolonged treatment commencing from 02.02.1996 to 05.05.1997, for about 15 months, I will take loss of income at Rs.2,000/- and provided for Rs.30,000/-, the expenses for medicines have been provided at Rs.97,000/- which I will enhance marginally to round off to Rs.1,00,000/-. The Tribunal has not assessed the compensation for attendant charges and special diet which I make available at Rs. 10,000/- and Rs. 5,000/- respectively. I have already noticed that the person was having several spells of treatment at four different occasion, I would believe therefore, the transportation expenses must have been relatively more which I provide Rs. 10,000/-. For any person who was not yet married a loss by amputation beneath the knee must be adequately compensated for loss of amenities of life which I assess at Rs.1,00,000/-. Considering that he has two sources of income stated to be Rs.1,200/- and Rs. 1,500/- as being hospital attendant and an agriculturist, I will factor an average income at Rs. 2,700 per month, adopt a multiplier of 17 and take 60% disability as resulting in 60% loss of earning capacity. I will also provide Rs.25,000/- as loss of prospect of marriage. Overall the amount will be Rs.7,00,480/- which I round off to Rs.7,00,500/-.

<u>Injury Case</u>	Date of accident 20.02.1996		
Age	26		
Period of			

hospitalization			
Occupation/ Income	Agriculturist	2,500/-	2,700/-
SR. No.	Heads of claim	Tribunal Amount (Rs.)	High Court Amount (Rs.)
1	Loss of Income from: to:		30,000/-
2.	Medical Expenses:		
	(i) Medicines	97,000/-	1,00,000/-
	(ii)Hospital charges		
	(iii)Attendant charges		10,000/-
	(iv)Special diet		5,000/-
	(v)Transportation	5,000/-	10,000/-
3	Pain and suffering	10,000/-	1,00,000/-
4	Disability	60%	6%
5	Loss of earning capacity		
	(i)Income		2,700/-
	(ii)Multiplier		17
	(iii) % of loss of earning capacity	1,29,600/-	3,30,480/-
6.	Loss of amenities		1,00,000/-
7.	Reduction in life expectancy		
8.	Loss of prospect of marriage		25,000/-
9	Total	2,41,600/-	7,00,500/-

The compensation assessed more than what has already been done by the Tribunal will attract interest @ 7.5% from the date of the petition till the date of payment.

The liability shall be in the same manner as already assessed by the Tribunal. The award stands modified and the appeal is allowed to the above extent.

03.09.2015

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(K.KANNAN)

JUDGE