

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1225 of 1998 (O&M)

Date of decision :30.09.2015

Hari Ram

.....Appellant

Vs.

Rattan Singh and Others

.....Respondent

CORAM: HON'BLE MR. JUSTICE K.KANNAN

Present:- Mr.N.K.Malhotra, Advocate for the appellant.

**Mr.Navin Kapur, Advocate for
respondent No.4-New India Ass.Co.**

K.KANNAN, J.

The appeal is for enhancement of compensation for the injury suffered in a motor accident. The petitioner was said to have suffered grievous injuries resulting in amputation of the right little and ring finger with deformity of the middle finger. The Medical Board issued the medical certificate and assessed the disability at 15%. The petitioner claimed that he had spent to the extent of Rs.10,000/- to Rs.12,000/- of private hospital at Jhajjar for his treatment and special diet and he also produced that bills aggregating to Rs.10,000/-. The Tribunal had accepted the said sum provided for the medical expenses to the tune of about Rs.20,000/-. The Tribunal assessed Rs.10,000/- as medical expenses and granted Rs.70,000/- towards his injuries, permanent disability, pain and suffering and diminished prospect of earning capacity.

I find the manner of assessment is grossly deficient and I shall re-work the compensation as under. Amputation of two fingers with the deformity of another fingers are scheduled injuries under the Employees Compensation Act, 1923. If the doctor has assessed the disability at 15%, I will take the same be also results in an equal percentage of loss of earning capacity. I will assume to be income Rs.3,000/- considering that the

accident had taken place in the year 1993. I will increase the medical expenses by another Rs.10,000/- and provide for pain and suffering for amputation of two fingers at Rs.20,000/- and I also provide for loss of amenities at Rs.25,000/- and for the loss of earning capacity. The several heads of compensations are tabulated as under:-

	Date of accident	08/08/93	
Age			
Period of hospitalization			
Occupation and Income			
	Heads of claim	Tribunal	High Court
Sr. No.		Amount(Rs.)	Amount (Rs.)
1.	Loss of Income		Rs.3000/-
2.	Medical expenses		
	(i)Medicines		Rs.10,000/-
	(ii)Hospital Charges		
	(iii)Attendant Charges		
	(iv)Special diet		Rs.10,000/-
	(v) Transportation		
3	Pain and suffering		Rs.20,000/-
4	Disability	(15%)	(15%)
5	Loss of earning capacity		(15%)
	Income		Rs.3,000/-
	Multiplier		13
	Total loss of earning capacity		Rs.70,200/-
6	Loss of amenities		Rs.25,000/-
7	Reduction in life expectancy		
8	Loss of prospect of marriage		
	Total	Rs.80,000/-	Rs.1,35,200/-

The liability shall be borne by respondent No.2 from the date of petition till the date of realization. The Tribunal has granted interest from the date of award till the date of realization of the awarded amount. The appellant would be entitled interest at the rate of 7.5% from the date of

petition till the date of payment and the additional compensation shall also attract interest in the same manner as determined already by the Tribunal.

The award stands modified and the appeal is allowed to the above extent.

30.09.2015
anil

(K.KANNAN)
JUDGE