

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 179 of 1999 (O&M)
Date of decision: 28.10.2015

Sandeep Kumar
... Appellant
versus
Kala Singh and others
.... Respondents

CORAM: HON’BLE MR. JUSTICE K. KANNAN

Present: Mr. Sanjeev Roy, Advocate for the appellant.

K.Kannan, J.

The appeal is for enhancement of compensation for injuries said to have been sustained in an accident. The Court assessed Rs. 70,000/- as the amount payable and split the liability amongst the respondents.

It was a case of amputation of leg below the knee and the Doctor who examined him, assessed the disability as 50%. It is a schedule injury and I will take the disability as also resulting in an equal percentage of loss of earning capacity. The scales of compensation for a schedule injury are reasonably certain and I am of the view that the assessment has not been fair or adequate. I will reassess the compensation and tabulate the heads as under:-

<u>Injury Case</u>	Date of accident 02.05.1996		
Age	20		
Period of hospitalization	12.9		
Occupation/ Income			
SR. No.	Heads of claim	Tribunal Amount (Rs.)	High Court Amount (Rs.)

1	Loss of Income from: to:		30,000/-
2.	Medical Expenses:		25,100/-
	(i) Medicines		
	(ii) Hospital charges		
	(iii) Attendant charges		5,000/-
	(iv) Special diet		2,500/-
	(v) Transportation		2,500/-
3	Pain and suffering		75,000/-
4	Disability		50%
5	Loss of earning capacity		50%
	(i) Income		3,500/-
	(ii) Multiplier		18
	(iii) 5 % of loss of earning capacity	$3500 \times 12 \times 5/100 \times 18$	3,78,000/-
6.	Loss of amenities		75,000/-
7.	Reduction in life expectancy		
8.	Loss of prospect of marriage		50,000/-
9	Total		6,13,000/-

The total compensation will be calculated at Rs. 6,13,000/-.

The amount in excess of what has been awarded will also attract interest @ 7.5%. The liability shall be against the respondents jointly and severally. Since the 2nd has died, the right of enforcement will be available against the LR to the extent to which they have inherited the estate from the deceased, 2nd respondent.

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

(K.KANNAN)
JUDGE

28.10.2015
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