

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2512 of 2005 (O&M)
Date of Decision:06.10.2015

Ompal

....Appellant

Versus

Usha Rani and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Anil Ghanghas, Advocate for the appellant.

Mr. Rohit Goswami, Advocate for
Mr. Vinod Chaudhri, Advocate for respondent No.5-
United India Insurance Company Ltd.

NAVITA SINGH, J.

1. The Motor Accidents Claims Tribunal, Bhiwani (Tribunal for short) granted compensation to the tune of Rs.3,00,000/- to the appellant on account of injuries received by him in a motor vehicle accident. Enhancement is sought.
2. The appellant was injured in a road accident which occurred on 26.4.2002 while he was travelling in a jeep, which had not been given a registration number till then and was being driven by Krishan, who was also the owner of the vehicle. The driver died while the appellant was seriously injured.
3. Counsel for the appellant contended that though as per medical evidence, there was 100% disability suffered by the appellant on account of the injuries received in the accident but multiplier was not applied. The Tribunal awarded a lump-sum amount of Rs.3,00,000/-, which included the expenses on treatment and transportation, compensation for pain and suffering as also for the disability. The income of the appellant was not taken into consideration. He was an ex-serviceman and it was categorically pleaded that he was earning Rs.8000/- per month from agriculture and dairy farming. Counsel for the Insurance Company, per contra, argued that pleadings could not be proof of income of the

injured and also it was nowhere mentioned in the petition that he was an ex-serviceman.

4. Since there was no proof regarding the income of the appellant, the same would be taken to be equivalent to a daily wager in April 2002, which was Rs.2303.16/-, say Rs.2300/-. The compensation would come to Rs.3,86,400/-. Regarding pain and suffering, special diet and attendant etc., an amount of Rs.50,000/- is awarded. The total compensation comes to Rs.4,36,400/-. Enhanced amount shall fetch interest @ 6% per annum.

5. The appeal is disposed of accordingly.

**(NAVITA SINGH)
JUDGE**

06.10.2015
Ishwar

Whether to be referred to reporter: Yes