

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

**FAO No. 2447 of 2006 (O&M)
Date of Decision:- 30.04.2015**

Ompati @ Om Devi

.....Appellant

Versus

Subhash and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers may be allowed to see the judgment? **Yes**
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? **Yes**

Present: Mr. Kulvir Narwal, Advocate
for the appellant.

Mr. Ravinder Arora, Advocate
for Insurance Company.

SHEKHER DHAWAN, J.

Claimant-appellant is in appeal before this Court and seek enhancement of compensation, awarded by Motor Accidents Claims Tribunal, Jhajjar (hereinafter to be referred as 'The Tribunal'), vide award dated 21.02.2006.

2. Relevant facts for the purpose of decision of the present appeal that on 25.06.2003, claimant along with her son was going and meanwhile truck bearing registration No.HR-55C/2525, which was being

driven by respondent No.1 in rash and negligent manner and at a high speed came from the opposite side and struck against the claimant while coming to the wrong side. Claimant sustained serious and grievous injuries. The matter was reported to the police. The claim petition was filed. 'The Tribunal' after considering the material and evidence available on file, awarded compensation of ₹4,10,000/-. Claimant being dissatisfied with the Award of amount is in appeal before this Court.

3. At the time of arguments, Mr. Kulvir Narwal, Advocate, learned counsel for the appellant took the plea that 'The Tribunal' has not awarded just compensation because as per law laid down by Hon'ble Supreme Court in case **Lata Wadhwa Vs. State of Bihar**, AIR 2001, SC 3218, income of house maker is to be taken. More so, as per law laid down by Hon'ble Supreme Court in case **Rajesh and others vs. Rajbir Singh and others**, 2013(9) SCC 54, enhancement on account of future earnings is to be added keeping in view the age of the injured in such cases. 'The Tribunal' has not awarded any amount on account of attendant charges, enjoyment of life. So, the compensation be enhanced suitably.

4. Mr. Ravinder Arora, Advocate, learned counsel for the respondent-Insurance Company, took the plea that 'The Tribunal' has already awarded just compensation and appeal deserves dismissal.

5. Having considered the rival contentions raised by counsel for both the parties, this Court is of the considered view that claimant had sustained 100% disability because of spinal injuries. 'The Tribunal' has not awarded just compensation and the same requires enhancement and

the amount of compensation is reassessed as under: -

Monthly income taken to be	₹3,000/-
Less 1/3 rd on account of self dependency	₹3,000/- - ₹1,000/- = ₹2,000/-
Annual Loss of income	₹2,000 x 12 = ₹24,000/-
Applying multiplier of 11	₹24,000/- x 11 = ₹2,64,000/-
Special diet	₹20,000/-
Transportation Charges	₹20,000/-
Loss of future enjoyment of life	₹50,000/-
Total compensation	₹2,64,000/- + ₹20,000/- + ₹20,000/- + ₹50,000 = ₹5,39,000/-
Enhanced amount	₹5,39,000/- – ₹4,10,000/- = ₹1,29,000/-

6. The enhanced amount of compensation of ₹1,29,000/- shall be payable within a period of one month, failing which, the appellant shall be entitled to recover interest @ 7.5% per annum from today. However, the remaining conditions regarding payment of interest and disbursal amount of awarded compensation shall remain unaltered.

7. Accordingly, the present appeal is accepted partly.

April 30, 2015
naresh.k

(SHEKHER DHAWAN)
JUDGE