

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

**FAO No. 3802 of 2007 (O&M)  
Date of decision : 22.01.2015**

**Dhoom Singh**

**.....Appellant**

**Versus**

**Shamshad Ali and another**

**...Respondents**

**CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY**

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

Present: Mr. K.S. Dhanora, Advocate  
for the appellant

Mr. Paul S. Saini, Advocate  
for respondent No. 2

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**ANITA CHAUDHRY, J.**

This appeal is by the claimant seeking enhancement of the award dated 20.04.2007 passed by the Motor Accident Claims Tribunal, Kurukshetra.

The submission made on behalf of the appellant was that the claimant had suffered disability to the extent of 20% which lead to restricted movement of the right hip joint. It was urged that the claimant had suffered fracture of femur right side and the claimant was an agriculturist and was unable to do his work and the compensation for disability was too less. It was urged that no compensation was allowed for the loss of income for a year and the appellant was also entitled to additional compensation for special diet, transportation, pain and suffering.

The submission on the other hand was that the accident

had taken place in 2005 and no evidence was led with respect to the income and the amount awarded for the disability was appropriate. It was urged that the disability related to a limb and not the whole body and if the functional disability is seen it would be not more than 5%. It was urged that there was no evidence to show that the appellant remained immobile or could not work for a year.

No evidence was led by the appellant with respect to his income. The minimum wages in the year 2005 were not more than ₹ 3500/-, if the functional disability is taken at 5% or 7% and if the compensation is calculated using the multiplier method, the compensation would not be more than ₹ 40,000/-, therefore, I make no change so far as the compensation on the head of loss of future prospects is concerned.

The appellant had suffered a fracture and he would have been immobile for atleast three months and, therefore, I would add the following compensation:-

Loss of income for three months = ₹ 3500 x 3= ₹ 10,500/-

Special Diet = ₹ 5000/-

Transportation = ₹ 5000/-

Pain and suffering = ₹ 10,500/-

**Total = ₹ 30,500/-**

The above amount would be paid to the appellant within two months failing which the appellant would be entitled to interest @ 6% per month from the date of filing of the appeal till realization.

22.01.2015

**(ANITA CHAUDHRY)  
JUDGE**