

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.268 of 2010 (O&M)
Date of Decision: July 23, 2015

Ranjit Singh

...Appellant

Versus

Joginder and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ashish Gupta, Advocate
for the appellant.

Mr.Kulwant Singh, Advocate
for respondent No.1.

Ms.Vandana Malhotra, Advocate
for respondent No.2-Insurance Company.

INDERJIT SINGH, J.

Appellant-claimant Ranjit Singh has filed this appeal against respondents Joginder, driver and owner and Reliance General Assurance Company Ltd., Insurer of car bearing registration No.HR-01Q-5820 (offending vehicle), challenging the impugned Award dated 12.08.2009 passed by learned Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'Tribunal'), for enhancement of the compensation, which was awarded by the Tribunal.

The Tribunal, after framing of the issues and after going through the evidence on record, awarded ₹1 lac on the ground of 50%

disability, ₹15,600/- as loss of earning, ₹1,78,483/- as medical expenses, ₹10,000/- for pain and suffering, ₹2,000/- as transportation charges and ₹3,000/- as special diet. The total compensation of ₹3,09,083/- has been awarded along with interest @ 6% per annum from the date of filing of the petition till realization.

As per evidence on record, claimant Ranjit Singh suffered amputation of right upper limb above elbow. As per the claim petition, Ranjit Singh was an agriculturist and also running a dairy farm. The Tribunal treated him as casual labourer and assessed his income as ₹3900/- per month.

Aggrieved from the above-said Award, present appeal has been filed by the claimants for enhancement of compensation.

Notice of motion was issued and learned counsel for respondents appeared and contested the appeal.

I have heard learned counsel for the parties and have gone through the record.

First of all, I find that when the claimant-appellant has been treated as labourer and his right arm beyond elbow has been amputated, then this disability is not 50%, rather it is 100%. The claimant-appellant cannot do the labour work with one left arm only, therefore, the disability is taken as 100%. The income of the claimant-appellant is taken as ₹4000/- per month instead of ₹3900/- per month. The claimant-appellant was stated to be 38 years of age at the time of accident and in view of his age, multiplier of 15 is to be applied.

Keeping in view the facts and circumstances of the present case, the compensation is liable to be enhanced as under:-

Income by taking 100% permanent disability	₹4,000/- per month
Multiplier of 15	₹4,000/-x 12 x 15 = ₹7,20,000
Medical expenses	₹1,78,483/-
Pain and suffering	₹50,000/-
Transportation charges	₹10,000/-
Attendant charges	₹10,000/-
Special diet	₹10,000/-
Loss of income during the period he remained admitted in hospital	₹15,500/-
Future medical expenses	₹6,000/-
Total compensation	₹9,99,983/- (rounded off to ₹10,00,000/-)

In view of above, the compensation awarded to the appellant-claimant is enhanced from ₹3,09,083/- to ₹10,00,000/- along with the same interest on the enhanced amount as awarded by the Tribunal from the date of filing of the petition till realization.

Therefore, finding merit in the present appeal, the same is allowed accordingly.

July 23, 2015
Vgulati

(INDERJIT SINGH)
JUDGE