

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

FAO No.34 of 2014 (O&M).

Decided on: 30.3.2015.

Mangal Singh @ Sonu

... Appellant

Versus

Raj Masih and others

... Respondents

CORAM : HON'BLE MR. JUSTICE K. C. PURI

Present : Mr. B.S. Dhillon, Advocate,
for the appellant.

Mr. Raghav Gulati, Advocate for
Mr. Paul S. Saini, Advocate,
for the insurance company.

K.C.PURI.J.

This is an appeal directed by injured-claimant against the Award dated 8.8.2013 passed by Motor Accident Claims Tribunal, Kurukshetra (For short “the Tribunal”) claiming a sum of Rs.4 lacs in respect of injuries sustained by him in a motor vehicular accident on 12.8.2009 at 21 hours. The claim petition was partly accepted and a sum of Rs.2,93,127/- was allowed as compensation.

Learned Tribunal observed that age of the appellant is 27 years. The disability, as per Dr. R.L. Arya, was 12%. Learned Tribunal allowed Rs.45000/- in respect of pain and suffering by taking functional disability to the extent of 7%. The income of the claimant was taken as Rs.77,400/- per annum and multiplier of 17 was applied and loss of income was assessed as Rs.13,15,800/- (77,400 x 17). So, a sum of Rs.92,106/- was awarded on account of functional disability of 7%. A sum of Rs.64,500/-

was allowed towards hospitalization, another sum of Rs.91,521/- was allowed for medical expenses and in this manner, total compensation of Rs.2,93,127/- was awarded to the claimant-injured.

The claimant has moved an application bearing CM No.35-CII of 2014 under Order 41 Rule 27 CPC for producing ration card. The application stands allowed.

On the strength of ration card, it is argued that age of the appellant was 23 years and multiplier of 18 has to be applied.

Learned counsel for the appellant has submitted that amount of compensation is on lower side. No amount in respect of special diet has been allowed.

I have considered the said submissions and have gone through the case file.

The amount of Rs.92,106/- in respect of functional disability to the extent of 7% cannot be said to be on lower side. A sum of Rs.45,000/- has been allowed in respect of pain and suffering. Rs.91,521/- were allowed towards medical expenses and Rs.64,500/- were allowed towards hospitalization. The same cannot be said to be on lower side. So, in these circumstances, no case for enhancement of compensation is made out.

Consequently, the appeal is without any merit and the same stands dismissed.

30.3.2015.
SN

(K.C.PURI)
JUDGE