

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.729 of 2014 (O&M)
Date of Decision:12.10.2015

Ajay Kumar

....Appellant

Versus

Meharban Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Ms. Seema Pasricha, Advocate for the appellant.

Mr. R.K. Bashamboo, Advocate for respondent No.3-
Reliance General Insurance Company Ltd.

NAVITA SINGH, J.

1. The Motor Accidents Claims Tribunal, Chandigarh (Tribunal for short) passed the impugned award on 27.5.2013 granting compensation to the tune of Rs.16,28,114/- to the appellant, who was injured in a motor vehicle accident on 7.3.2011. In the appeal, enhancement of the compensation is prayed for.

2. At the time of accident, the appellant was 18 years old and was going to his school in Sector 37, Chandigarh on foot. He was disabled qua the whole body to the extent of 80%. The claim petition as also the appeal, were filed by the appellant through his father.

3. Counsel for the appellant submitted that the notional income of the injured was taken to be Rs.4000/- per month in 2011 though if the accident had not occurred, the appellant was capable of earning much more as he was a student of 10+2. The amount awarded for attendant charges, transportation and other conventional heads was inadequate and also nothing was awarded towards follow-up treatment, though the appellant is still bedridden.

4. Counsel for the Insurance Company contended that an amount of Rs.50,000/- was given for pain and suffering and an equal amount for loss of

amenities of life, which was sufficient. Transportation charges to the extent of Rs.10,000/- also could not be said to be inadequate.

5. So far as the income of the appellant is concerned, the same should have been taken at least to be Rs.6000/- per month. The annual income would be Rs.72,000/- and the compensation would, therefore, come to Rs.12,96,000/-. The attendant charges are enhanced by Rs.30,000/- i.e. to a total of Rs.50,000/- as the appellant may still be needing an attendant. The amount for pain and suffering is enhanced to Rs.1,00,000/- from Rs.50,000/- and the amount for loss of amenities of life from Rs.50,000/- to Rs.2,00,000/-. The amounts under the other heads do not call for enhancement. For follow-up treatment, another amount of Rs.50,000/- is given cumulatively. Thus, the total compensation is enhanced by Rs.7,12,000/-. Enhanced amount shall fetch interest @ 6% per annum

6. The appeal is allowed in the above terms.

(NAVITA SINGH)
JUDGE

12.10.2015
Ishwar

Whether to be referred to reporter: Yes