

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.7421 of 2014 (O&M)
Date of Decision:05.10.2015

Gurpreet Singh

....Appellant

Versus

Arunjit Singh Kakkar and another

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. M.S. Dhandi, Advocate for the appellant.

Mr. Dinesh Parjapati, Advocate for
Mr. R.S. Madan, Advocate for respondent No.2-
Royal Sundram Alliance Insurance Company Ltd.

NAVITA SINGH, J.

1. The appellant, feeling discontented with the award dated 20.3.2014 passed by Motor Accidents Claims Tribunal, SAS Nagar, Mohali (Tribunal for short), filed the present appeal seeking enhancement of the amount of compensation which was awarded to the tune of Rs.5,79,000/-.
2. A road accident took place on 25.11.2011 when the appellant was standing near the motor-cycle with his father parked in the kacha portion of the road. The offending vehicle, which was being driven rashly and negligently, hit the motor-cycle and the appellant fell towards the road and in the process was overrun by the front wheel of the offending car. His right foot was amputated.
3. Counsel for the appellant argued that though an amount of Rs.1,20,700/- was awarded towards the cost of prosthesis as per Ex.C19, the amount was not added in the total compensation, by mistake. Counsel for the Insurance Company admitted that the said mistake was there on the part of the Tribunal. An amount of Rs.1,20,700/- is also required to be added to the awarded amount.

4. Counsel for the appellant then argued that the deceased was a student of Class X and he lost one year as he could neither attend school nor take examination. He was liable to be compensated for that as well. It was then contended that something was required to be added towards future prospects as well. So far as the loss of study is concerned, the appellant is required to be compensated for that. An amount of Rs.25,000/- is awarded for loss of one year during his studies. Regarding future prospects, there is no justification as the appellant was not disabled in such a way that he was rendered useless for any job. It was not his case that he was taking some particular technical course and would have got employment for some profession requiring the use of his legs profoundly. He would still get a job though he lost one foot. The request for considering future prospects is declined.

5. Regarding loss of marriage prospects, an amount of Rs.75,000/- was granted, which appears to be less as the prospects can be said to have considerably reduced. The amount awarded on that count is enhanced to Rs.1,50,000/-. The amount of compensation is, therefore, enhanced by Rs.1,00,000/-. The total compensation would, therefore, be Rs.7,99,700/-. Enhanced amount shall fetch interest @ 6% per annum.

6. The appeal is partly allowed.

**(NAVITA SINGH)
JUDGE**

05.10.2015
Ishwar

Whether to be referred to reporter: Yes