

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

FAO No.3287 of 2003 (O&M)
Date of decision: August 05, 2016

Manmohan Singh

...Petitioner

Versus

Ranjit alias Surjit and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sushil Bhardwaj, Advocate for the applicant/appellant.
None for respondents No.1 & 2.
Ms. Vandana Malhotra, Advocate with
Mr. Aditya Kochar, Advocate for respondent No.3.

Rajan Gupta, J.(oral)

Present appeal has been preferred by the appellant dissatisfied with the compensation granted by the tribunal.

Learned counsel for the appellant submits that tribunal has erred in not granting adequate compensation under usual heads like pain and suffering, attendant etc. He remained under treatment for considerable period having suffered injuries on various parts of his body.

Learned counsel for the respondent No.3 insurance company submits that adequate compensation has been awarded for the injuries suffered by the appellant.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that accident took place on 29.4.2000, in which appellant suffered injuries. As a result, he had to undergo treatment in

Inscol Hospital, Chandigarh, where he remained admitted for about 20 days. The tribunal assessed the compensation of Rs.1,10,000/- for medicines and hospital charges, Rs.2,00,000/- as loss of income and Rs.25,000/- for pain and mental agony suffered by the appellant. A total compensation of Rs.3,35,000/- was granted to the appellant. In my considered view, compensation granted on account of loss of income is on the lower side. The multiplier of '14' will be more appropriate instead of '10' and in this way, appellant would be entitled for another sum of Rs.80,000/- towards loss of income. He would also be entitled to another sum of Rs.50,000/- for medical expenses and Rs.25,000/- more towards pain and suffering undergone by him. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

Cross-Objection-42-CII-2004:

The cross-objection filed by respondents No.1 & 2 have been considered. There is no merit in the same. The insurance company has already proved that driver of offending vehicle was not holding a valid driving licence at the time of accident. Besides, objectors remained unrepresented during hearing of the appeal. Same are hereby dismissed.

(RAJAN GUPTA)
JUDGE

August 05, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No