

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

**FAO No.1238 of 2001 (O&M)
Date of Decision: December 07, 2016.**

Satnam Singh

.....APPELLANT(s).

VERSUS

Bajwa Bus Service and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Neeraj Khanna, Advocate
for the appellant (s).

Mr. Abhishek Goyal, Advocate for
Mr. Pardeep Goyal, Advocate
for respondent No.3.

SURINDER GUPTA, J.

This is appeal by Satnam Singh against the award dated 08.09.2000 passed by Motor Accident Claims Tribunal, Amritsar (later referred to as 'the Tribunal') seeking enhancement of compensation of ₹1,85,350/- awarded to the appellant-claimant for the injuries suffered by him in a motor vehicle accident with bus bearing registration No.PB-06-1150.

Appellant-claimant at the time of accident was posted as Constable in Punjab Police. On 30.11.1994, he was going to Jalandhar for domestic work in bus bearing registration No.CH-01-G-5075 and was sitting on its rear seat. The bus was stopped at Adda Khiranwali to drop the passengers when the offending vehicle hit the bus, in which claimant was

travelling, from behind, resulting in injuries to various passengers travelling in the bus. Appellant-claimant suffered fracture of both legs and head injuries. He suffered 30% permanent disability due to stiffness of ankle with wasting of thigh and leg muscles and leg length discrepancy.

The Tribunal while computing the compensation, awarded a sum of ₹35,350/- towards medical expenses and ₹1,50,000/- for pain and sufferings, loss of amenities of life, discomfort, inconvenience and loss of promotion in service; loss on account of marriage prospects, special diet etc.

Learned counsel for the appellant-claimant has argued that compensation awarded by the Tribunal, was not just and reasonable as the claimant has suffered 30% disability and the Tribunal should have used the multiplier method while computing the amount of compensation towards 30% disability of the claimant, who was 25 years of age at the time of accident and was earning ₹2848/- per month. The Tribunal should have taken 30% amount of his salary towards loss of income and while calculating amount of compensation applied multiplier of 18.

The claimant while appearing as PW3 has stated that he was getting salary of around ₹3000/- per month at the time of accident and at the time of his statement, which was recorded on 24.04.1999, he was getting a salary of ₹5,200/- per month. He further admitted that he has not suffered any demotion because of the injuries suffered by him in the accident. The claimant did not produce any medical evidence regarding his admission in the hospital, treatment or even the prescription slips of medicines. The doctor who issued the disability certificate Ex.A1 was not examined to state about the functional disability suffered by the claimant. The disability as

per certificate Ex.A1 was assessed because of stiffness of ankle with wasting of thigh and leg muscles but the extent of wasting is not mentioned. It mentions leg length discrepancy but again the extent of same has not been proved. In case, the claimant would have examined the doctor, these factors could have been clarified from him. Being a Government employee, expenses on the medicines etc. were reimbursable, however, the Tribunal has awarded total amount of bills produced without verifying that the claimant has sought reimbursement or not. Towards disability and non-pecuniary heads, the Tribunal allowed as ₹1,50,000/- which when examined in the light of price index prevailing in the year 1994 when the accident took place was quite just and reasonable amount of compensation.

As the claimant has not suffered any pecuniary loss and there was constant increase in his salary or other benefits, and his functional disability is not duly proved, the method of calculation of amount of compensation by applying multiplier method is not attracted to this case.

Keeping in view the above facts, I find no reason to interfere with the quantum of compensation awarded by the Tribunal.

This appeal has no merits.

Dismissed.

December 07, 2016.

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No