

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1417 of 2001 (O&M)
Date of decision: 25.01.2016

Abida ... Appellant
versus
Sahid and others Respondents

CORAM: HON’BLE MR. JUSTICE K. KANNAN

Present: Mr. Rajinder Paul, Advocate
Mr. B.S. Rana, Advocate for the appellant.
Mr. R.C. Gupta, Advocate for respondent No.3.

K.Kannan, J. (ORAL)

In a motor accident a child aged 3 ½ years suffered a serious injury resulting in amputation of the leg above knee. The disability assessed was 80%. The Tribunal has provided for a compensation of Rs. 1,40,000/-.

I find the assessment to be grossly low. The child was involved in the accident in the year 1999 and she will have to live through a serious handicap right through her life. I will assess the pain and suffering at Rs. 75,000/- and for disability the loss of amenities of life shall Rs. 1,00,000/-. I shall take notionally the income at Rs. 15,000/- apply 80% as loss of earning capacity and apply a multiplier of 15 having regard to the age being less than 15 years. I will also provide for loss of life expectancy and loss of prospect of marriage. I will also make a provision for future expenses to be incurred for periodical change of calipers. The total compensation shall, therefore, be Rs. 5,50,000/-. The amount in excess of what has been already paid shall attract interest @ 7.5% from the date of the petition till the date of payment. The various heads of compensation are tabulated as under:

<u>Injury Case</u>	Date of accident 22.03.1999		
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Age	3 ½		
Period of hospitalization			
Occupation/ Income	Agriculturist		
SR. No.	Heads of claim	Tribunal Amount (Rs.)	High Court Amount (Rs.)
1	Loss of Income from: to:		
2.	Medical Expenses:		
	(i) Medicines	1	
	(ii)Hospital charges		
	(iii)Attendant charges		
	(iv)Special diet		
	(v)Transportation		
3	Pain and suffering		75,000/-
4	Disability 80%		1,00,000/-
5	Loss of earning capacity		80
	(i)Income		15,000/-
	(ii)Multiplier		15
	(iii) % of loss of earning capacity	15,000 x 80% x 15	1,80,000/-
6.	Future medical expenses		50,000/-
7.	Reduction in life expectancy		75,000/-
8.	Loss of prospect of marriage		75,000/-
9	Total		5,55,000/-

The award stands modified and the appeal is allowed to above terms making the Insurance Company liable for the additional amount with interest at 7.5% per annum from the date of the petition till the date of payment.

(K.KANNAN)
JUDGE

25.01.2016
kv

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

**CR No. 495 of 2016 (O&M)
Date of decision: 25.01.2016**

Gurmail Kaur

... Petitioner

versus

Gurnam Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. L.S. Sidhu, Advocate for the petitioner.

K.Kannan, J. (ORAL)

The plaintiff's suit was originally dismissed for default and on an application filed for restoration of case pending for a long time before it was ordered restored on payment of cost of Rs. 1,000/- and for production of evidence on one opportunity. The plaintiff gave his evidence and after the side was closed, the defendant has also given his evidence. When it is posted for rebuttal evidence, the plaintiff wanted the additional evidence to be given by production of additional documents. Court has declined to entertain such a prayer. I will find no reason to interfere with the same.

The order already passed is sustained and the revision petition is dismissed.

**(K.KANNAN)
JUDGE**

25.01.2016

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