

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

FAO-2776-2001 (O&M)

Date of decision: 24.2.2016

Jai Pal

...Appellant

Versus

Bhim Singh and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Sagar Aggarwal, Advocate for
Mr.Ashit Malik, Advocate for the appellant

Ms.Sunita Nambiar, Advocate for respondent No.1

Mr.RN Singal, Advocate for respondent No.4.

SNEH PRASHAR, J.

The present appeal has been filed by injured- appellant seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Karnal (for short 'the Tribunal') vide award dated 14.10.2000 on account of the injuries suffered by him in a motor accident.

The submissions made by Mr.Sagar Aggarwal, Advocate representing the appellant, Ms.Sunita Nambiar, Advocate for respondent No.1 and Mr.RN Singal, Advocate for the respondent- Insurance Company have been heard and record perused.

Learned counsel for the appellant argued that the appellant suffered multiple injuries on his body during the accident. He remained admitted in various hospitals for a long period and spent a sum of Rs.2,25,000/- on treatment but learned Tribunal lost sight of the fact and awarded only a sum of Rs.23,000/-, for which the bills were produced. The appellant also suffered permanent disability to the extent of 36% on account of shorting of leg. He was working as salesman at Ajay Filling Station, Nali Khurd, Karnal and was earning Rs.3000/- per month, whereas learned Tribunal assessed his income as Rs.1600/- per month only for calculating pecuniary losses. Nothing was awarded on account of loss of amenities of life.

Admittedly, the appellant sustained multiple injuries on his body. After the accident on 16.12.1998, he was taken to Civil Hospital, Karnal, from where his condition being serious, he was referred to PGI, Chandigarh on the next day. As per medico legal report prepared by PW4 Dr.SL Verma, Medical Officer, the appellant had received a long lacerated wound starting from right side on upper part of scrotum and extending upto left ischial ruberosity region of the left buttock. It was passing just anterior to the anus. Right testis was exposed, wound was muscle deep and the bone was exposed in the wound on posterior part. There was

lacerated wound on the anterior aspect of left leg above the ankle. In addition to that both bones of left leg were fractured and he was operated upon several times but learned Tribunal erred in awarding just and adequate compensation.

No substantive and reliable evidence was produced by the appellant to support his claim that he spent Rs.2,25,000/- on his treatment. PW1 Dr. PK Bhatia deposed that he had charged Rs.8500/- on account of treatment of appellant, which was allowed. The amount spent on purchasing medicine i.e. Rs.23000/- substantiated by bills Ex.P8 to P90 was allowed. The bills Exs. P32, P54, P60, P67 and P68 were not taken into consideration being carbon copies of bills already exhibited. Apart from it, a sum of Rs.23,000/- received by Dr.SN Gupta, Geeta Hospital, Panipat vide receipt Ex.P3 was allowed.

Regarding future loss of earning due to disability suffered by the appellant, there being no documentary proof of his income, learned Tribunal considering him as a daily wager assessed his income as Rs.1600/- per month, which calls for no intervention. However, since the deceased was 26 years of age, the multiplier is increased from 16 to 17. Accordingly, Rs.1,17,504/- (36% of 1600 x 12 x 17) is allowed to him on account of future loss of earnings.

Further, keeping in view the nature of injuries suffered

by the appellant and the disability suffered by him, a sum of Rs.20,000/- is allowed on account of loss of enjoyment of amenities in life. Learned Tribunal had already awarded a sum of Rs.60,000/- on account of pain and suffering, Rs.21,900/- for transportation and special diet expenses and Rs.8000/- on account of pecuniary loss to the appellant, which are adequate.

Accordingly, the enhanced compensation of Rs.27,000/- (rounded off) shall be paid to the appellant within two months from the date of receipt of the certified copy of this judgment, failing which, it shall carry interest @ 7.5 % per annum from the date of filing of the appeal, till its realisation.

With the above modification in impugned Award, the present appeal is partly allowed.

24.2.2016
gsv

(SNEH PRASHAR)
JUDGE