

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

FAO-4518-2006 (O&M)
Date of decision: 16.05.2016

Gurmukh Singh

...Appellant

Versus

Gurdial Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashwani Arora, Advocate,
for the appellant.

Mr. Rakesh Gupta, Advocate
for respondent No.2.

Mr. M. K. Dogra, Advocate
for respondent No.3.

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JITENDRA CHAUHAN, J.

The present appeal has been filed by the injured-claimant, seeking enhancement of the amount of compensation awarded by learned Motor Accidents Claims Tribunal, Chandigarh, ('the Tribunal', for brevity) vide award dated 20.04.2006.

It is contended that the appellant remained hospitalized for the period i.e. from 15.01.2004 to 20.01.2004, 12.07.2004 to 26.07.2004, 28.03.2005 to 02.05.2005 and suffered permanent

disability to the extent of 100% with regard to his limbs. The appellant had sustained serious injuries including head injury with fracture nasal bone, with brachial plexus injury with fracture scapula with axillary artery thrombosis. Further, the learned Tribunal wrongly applied the multiplier of 17 as the age of the appellant was 24 years at the time of accident. Nothing has been awarded towards future prospects.

On the other hand, the learned counsel for the respondents have vehemently opposed the present appeal and stated that a just and reasonable compensation has been awarded by the learned Tribunal. Therefore, the present appeal is liable to be dismissed.

I have heard the learned counsel for the parties and perused the record.

There is no dispute with regard to the disability of the appellant. Therefore, keeping in view the law laid down in **Rajan Vs. Soly Sebastian and other**, 2015(3) RCR (Civil) 962 (SC), an addition of 50% is ordered in the actual income of the injured towards future prospects. However, as the matter pertaining to the future prospects is pending adjudication before Hon'ble the Supreme Court in SLP (Civil) No.16735 of 2014, therefore, the amount of future prospects be released on furnishing of requisite indemnity bonds by the appellant.

The appellant was 24 years at the time of accident. Therefore, multiplier of 18 is applied. As the appellant suffered

disability to the extent of 100%, the amount of compensation under 'loss of future income' comes to Rs.2600/- + 50% X 12 X 18 = Rs.8,42,400/- as against an amount of Rs.5,30,400/-, assessed by the learned Tribunal under this head.

Keeping in view the nature and seat of injuries, period of hospitalization and extent of disability suffered, this Court feels that another amount of Rs.1,50,000/- towards loss of amenities of life would sufficiently meet the ends of justice.

In view of the above, the injured-appellant is held entitled to the enhanced compensation of Rs.4,62,000/- [(Rs.3,12,000/- (enhancement towards loss of future income) + Rs.1,50,000/- (enhancement towards loss of amenities of life)], as indicated above, over and above the amount already awarded by the learned Tribunal, which shall be payable within a period of 45 days from the date of receipt of a certified copy of this judgment, failing which, he shall also be entitled to interest as indicated in the award i.e. 7.5% per annum, from the date of filing the present appeal, till its realization.

With the aforesaid modification in the impugned award, the present appeal is partly allowed.

16.05.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**