

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

**FAO No.203 of 2008
Decided on: 04.08.2016**

Chhinto Devi

....Appellant

Versus

Jasvinder Singh and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Rakesh Nagpal, Advocate for the appellant.

Mr. Parvesh Saini, Advocate for respondents No.1 and 2.

Mr. Neeraj Khanna, Advocate
for Mr. Ravinder Arora, Advocate
for respondent No.3.

REKHA MITTAL, J.

The injured victim through his LRs has filed the appeal seeking enhancement of compensation in respect of the injuries sustained by him (Harbans Singh) in a motor vehicular accident on 29.06.2003.

The learned Tribunal awarded compensation of Rs.1,40,000/- under the following heads:-

- | | |
|--|---------------|
| 1. Loss of permanent disability: | Rs.1,10,000/- |
| 2. Pain and sufferings: | Rs.10,000/- |
| 3. Medicine and hospitalization charges: | Rs.20,000/- |

TOTAL	Rs.1,40,000/-
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Counsel for the appellant has submitted that Harbans Singh (since deceased) suffered disability of 55% due to amputation of his limb, therefore, the learned Tribunal was required to apply a multiplier method for assessing loss of income. Further dilating, it is

submitted that an amount of Rs.1,10,000/- paid towards permanent disability requires enhancement by adopting a multiplier method.

Further submissions have been made that the Tribunal has not awarded compensation under various heads i.e. services of an attendant, expenses on transportation and special diet, compensation for loss of amenities of life. In addition, it is submitted that compensation awarded for pain and suffering to the tune of Rs.10,000/- requires enhancement.

In reply, counsel for the insurance company has submitted that if compensation towards loss of earning capacity due to disability to the extent of 55% is assessed by adopting a multiplier method in the light of judgment ***“Raj Kumar vs Ajay Kumar and others”***, 2011(2) **RCR (Civil) 101**, the same may be less than Rs.1,10,000/- awarded by the Tribunal. He has further supported the award with regard to pecuniary loss and non-pecuniary damages.

Counsel for the appellant would urge that he does not press his claim *qua* increase in income for loss of income as the Tribunal has allowed an amount of Rs.1,10,000/- for permanent disability.

I have heard counsel for the parties and perused the paperbook particularly the award passed by the learned Tribunal.

It is an undisputed position of the case that the injured suffered compound fracture of right lower leg. The disability certificate was proved whereby disability to the extent of 55% due to amputation of leg was assessed. The injured remained admitted in PGI, Chandigarh for about one month. In view of the nature of injuries sustained coupled with the period of treatment along with the fact that the said injury left

an indelible mark for the victim as he suffered amputation of his leg, I find merit in contentions of the appellant that he is entitled to compensation under various other heads besides enhancement of compensation for pain and suffering. Accordingly, the appellant is awarded compensation under the following heads:-

Sr. No.	HEADS	AMOUNT (RS.)
1	Loss of permanent disability/loss of future income	1,10,000/-
2	Pain and sufferings	50,000/-
3	Loss of amenities of life	50,000/-
4	Services of attendant	15,000/-
5	Expenses on transportation	5,000/-
6	Expenses on special diet	5,000/-
7	Medicines and hospitalization charges	20,000/-
TOTAL		2,55,000/-

The enhanced compensation is calculated at **Rs.1,15,000/-** (Rs.2,55,000/- – Rs.1,40,000/-). The enhanced compensation shall carry interest @ 9% per annum from the date of filing of the petition till realization and shall be payable to widow of the injured victim. The enhanced compensation shall be deposited in the shape of FDR in a nationalized bank for a period of three years.

The appeal is partly allowed in the aforesaid terms.

04.08.2016
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No