

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

FAO No. 4504 of 2008 (O&M)

Date of decision: 16.02.2016

Tarsem Lal

... Appellant

versus

Surjit Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Munish Gupta, Advocate, for the appellant.

Mr. Kuldeep Joshi, Advocate, for

Mr. Harsh Aggarwal, Advocate for respondent Nos. 2 & 3.

K.Kannan, J. (ORAL)

The appeal is for enhancement of claim for compensation for injury suffered in a motor accident that resulted in amputation of leg. The petitioner had been under treatment for 7 months and operated 3 times. The operation did not prove successful and the leg had to be ultimately amputated. He was said to be employed as a wire bender in a private firm and earning Rs. 5,000/-. The Tribunal took the income at Rs. 3,200/- in the absence of proof and provide for a compensation of Rs. 2, 05,000/-. I find the assessment of the compensation to be grossly inadequate and I would increase the component of pain and suffering to a higher sum, considering the fact that he had prolonged treatment of 7

months requiring 3 surgical interventions of implants and ultimately suffering a deprivation of leg itself beneath the knee. I will, therefore provide for a compensation of Rs. 1,50,000/- towards pain and suffering. The loss of leg constitutes a loss of earning capacity as well. I will take 60% disability as assessed by the Doctor as having resulted in loss in earning capacity as well. I will take the income as assessed by the Tribunal @ Rs. 3,200/- and apply a multiplier of 14 as loss of earning skills. I will retain the amount of loss of amenities to life assessed @ Rs. 1,20,000/- and increase the prospect of future medical expenses for securing periodical prosthesis and make possible a further amount of Rs. 75,000/-. The various heads of claim are tabulated as under:

SR. No.	Injury Case		
1.	Date of accident	14.02.2005	
2.	Age	45	
3.	Period of hospitalization	6 months	
4.	Occupation/ Income	Wire bender	
5.	Heads of claim	Tribunal Amount (Rs.)	High Court Amount (Rs.)
6.	Loss of Income from: to:		
7.	Medical Expenses:		
8.	(i) Medicines	20,000/-	20,000/-
9.	(ii)Hospital charges		
10	(iii)Attendant charges	15,000/-	15,000/-

11.	(iv)Special diet	20,000/-	20,000/-
12.	(v)Transportation	5,000/-	5,000/-
13.	Pain and suffering	40,000/-	1,50,000/-
14.	Loss of amenities due to Disability	1,20,000/-	1,20,000/-
15.	Income as assessed by Tribunal (a)	3,200/-	3,200/-
16.	60% Loss of earning capacity (b)		60% X 3200=1920
17.	Multiplier (c)		14
18.	loss of earning capacity (a x b x c)		1920 x 14 x 12= 3,22,560/-
19.	Reduction in life expectancy		
20.	Loss of prospect of marriage		75,000/-
21.	Future needs		
22.	Total	2,05,000/-	7,27,560/-

There shall be a total compensation of Rs. 7,27,560/- and the additional compensation shall also attract interest @ 7.5% from the date of the petition till the date of payment. The liability shall be assessed on respondent Nos. 2 & 3.

The award stands modified and the appeal is allowed to the above extent.

(K.KANNAN)
JUDGE

16.02.2016
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