

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

**FAO No.3684 of 2009
Date of decision : 18.02.2016**

Bittu

.....Appellant

Versus

Jai Pal and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

- 1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
- 2. To be referred to the Reporters or not ? Yes*
- 3. Whether the judgment should be reported in the Digest? Yes*

Present: Mr. Sandeep Verma, Advocate for appellant.

Mr. Pardeep Goyal, Advocate for
respondent-Insurance Company.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 13.03.2008 passed by learned Motor Accidents Claims Tribunal, Ambala (hereinafter called the Tribunal), vide which the appellant-claimant Bittu has been awarded a sum of Rs.15,000/- as compensation on account of the injuries suffered by him in the motor vehicle accident which took place on 05.06.2007.

2. The present appeal has been preferred by the appellant-

claimant for enhancement of the amount of compensation.

3. Initiating the arguments, learned counsel for the appellant-claimant contended that the claimant has suffered 5% permanent disability as a result of the injuries suffered in this case but the learned Tribunal has awarded only Rs.10,000/- towards the permanent disability in lump sum and total Rs.5000/- have been awarded towards pain and suffering, transportation, special diet and loss of income. Thus, he contended that totally inadequate amount of compensation has been awarded.

4. On the other hand Mr. Pardeep Goyal, Advocate, learned counsel for the respondent-Insurance Company contended that the compensation awarded by the learned Tribunal is just and appropriate.

5. I have duly considered the aforesaid contentions.

6. I found substance in the contentions raised by learned counsel for the appellant. Learned Tribunal has awarded total Rs.3500/- towards the medical and treatment charges and Rs.1500/- towards transportation, special diet etc. The amount awarded towards medical expenses is justified in view of the fact that the appellant has received the treatment in the Government Hospital, where the treatment is free of charges. However, very less amount has been awarded under the other heads. So, the appellant-claimant shall be entitled to a sum of Rs.1000/- towards transportation, Rs.3000/- towards special diet, Rs.1000/- towards attendant charges and Rs.6500/- towards pain and sufferings.

7. The learned Tribunal has awarded Rs.10,000/- towards the permanent disability suffered by the claimant. The claimant has suffered

5% permanent disability as per the disability certificate Ex.P2. The appellant-claimant was a three-wheeler driver, so his income can safely be taken to Rs.4000/- per month. In view of the law laid down by ***Raj Kumar Vs. Ajay Kumar and another 2011 ACJ 1*** functional disability of the appellant is taken to be 3%. The annual loss of future income on account of the functional disability comes to Rs.1440/-. As per the age of the claimant, the multiplier of 16 shall be applicable. Thus, the amount of compensation on account of permanent disability comes to Rs.23,040/- (1440 x 16). Thus, the compensation under this head is enhanced from Rs.10,000/- to Rs.23,040/-. The total amount of compensation comes to Rs.38,040/-.

8. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation is enhanced to Rs.38,040/- from Rs.15,000/- as awarded by the learned Tribunal. The claimant shall be entitled to interest on the enhanced amount from the date of filing the petition till realization @ 7% per annum, the rate of interest as awarded by the learned Tribunal. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

18.02.2016
sunil yadav

(DARSHAN SINGH)
JUDGE