

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

**FAO No.1995 of 2015
Date of decision : 31.03.2016**

Santosh

.....Appellant

Versus

Jangir Singh and another

...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. Deepak Goyal, Advocate for appellant.

Mr. S.S. Grewal, Advocate for respondent No.1.

Mr. Harsh Chopra, Advocate for respondent No.2.

DARSHAN SINGH, J.

CM-6201-CII-2015

There is delay of 176 days in filing the present appeal. The appellant has filed an application under Section 5 of the Limitation Act for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed and the delay of 176 days in filing the present appeal is hereby condoned.

FAO No.1995 of 2015

The present appeal has been preferred by the appellant-claimant against the award dated 29.05.2014 passed by learned Motor Accidents Claims Tribunal, Sangrur (hereinafter called the 'Tribunal') vide which the appellant-claimant has been awarded compensation to the tune of ₹18,02,702/- on account of the injuries suffered by her in the motor vehicular accident, which took place on 30.6.2012.

2. The present appeal has been preferred by appellant-claimant for enhancement of the amount of compensation.

3. Learned counsel for the appellant contended that the claimant has become 100% disable. She is on bed and will not be able to move throughout her life. She has to employ the attendant for whole of life and also to receive the future treatment. She has also lost the enjoyment and amenities of life but the compensation awarded by the learned Tribunal is meager. He contended that only ₹ 74,702/- has been awarded towards medical and treatment charges, which are totally inadequate. He further contended that no amount has been awarded towards special diet. Thus, he contended that the just compensation has not been awarded.

4. On the other hand, learned counsel for the respondents contended that ₹ 18,02,702/- has been awarded as compensation. The appellant-claimant was only a housewife. The learned Tribunal has computed the compensation under all the heads by applying the multiplier. The claimant has mostly received the treatment in the

Government hospitals *i.e.* PGI Chandigarh and Government Rajindra Hospital, Patiala. Thus, they contended that the just compensation has been awarded to the claimant.

5. I have duly considered the aforesaid contentions.

6. The learned Tribunal has awarded the compensation to the tune of ₹ 18,02,702/- to the claimant, the description thereof is as under:-

1.	Medical expenses	₹74,702/-
2.	Loss of services to the family rendered during period of treatment and future services on account of permanent disability	₹4,68,000/- (3000x12x13)
3.	Transport charges	₹40,000/-
4.	Attendant charges during the treatment and future	₹3,12,000/- (2000x12x13)
5.	Special diet	₹40,000/-
6.	Future medical expenses	₹4,68,000/- (3000x12x13)
7.	Pain and suffering	₹1,00,000/-
8.	Loss of amenities and loss of expectation of life	₹1,00,000/-
9.	Permanent disability compensation	₹2,00,000/- (2000x100)
Total		₹18,02,702/-

7. This fact is not disputed that the main treatment has been received by the claimant in the Government Hospitals *i.e.* PGI Chandigarh and Government Rajindera Hospital, Patiala. The claimant has placed on file the bills Ex. C1 to Ex.C25. The total of those bills came to ₹ 74,702/- and this amount has been awarded towards medical expenses. Learned counsel for the appellant has not been able to point out as to how this amount is less. It is not the plea of the appellant that any treatment bill produced by the appellant has been ignored by the learned Tribunal.

8. No doubt the claimant has suffered 100% permanent disability as a result of injuries received in this accident. This fact is not disputed that the claimant was only a housewife. The learned Tribunal has rightly taken the notional income of the claimant to be Rs.3000/- per month relying upon case ***Lata Wadhwa Vs. State of Bihar 2001 ACJ 1735 (SC)***.

9. The learned Tribunal has assessed the age of the claimant on the date of accident as 42 years. The Hon'ble Supreme Court in case ***Kavita Vs. Deepak and others 2013(1) PLR 140*** has laid down as under :

*“21. In light of the decision in **Raj Kumar v. Ajay Kumar** (supra), the Tribunal and High Court erred in failing to award compensation under the heads of loss of amenities and loss of expectation of life. Relying on the decision in **Nizam's Institute of Medical Sciences v. Prasanth S. Dhananka** (supra) and assuming the claimant's life expectancy to be 55 years, we deem it appropriate to award attendant charges at the rate of Rs.2000/- per month and physiotherapy expenses at the rate of Rs.3000/- per month. With regard to the head of physical and mental pains the amount is enhanced to Rs.3,00,000/- and another Rs.3,00,000/- is awarded under the heads of loss of amenities and loss of life expectancy.”*

10. In the aforesaid judgment, the Hon'ble Apex Court has taken the claimant's life expectancy to be 55 years and has awarded the compensation for physiotherapy and attendant charges taking into consideration the life expectancy of the claimant to be 55 years. In the instant case, the appellant-claimant was 42 years of age on the date of accident. The learned Tribunal has rightly applied the multiplier of 13 under the heads loss of service to the family, attendant charges during treatment and future medical expenses to compute the compensation.

11. The learned Tribunal has awarded the compensation to the appellant-claimant under all the possible heads. She has been awarded medical expenses to the tune of ₹ 74,702/- on the basis of bills produced by her, ₹ 4,68,000/- has been awarded towards loss of service to the family on account of permanent disability, ₹ 40,000/- have been awarded towards transportation charges, ₹ 3,12,000/- have been awarded towards attendant charges during treatment and future, ₹ 40,000/- have been awarded towards special diet, ₹ 4,68,000/- have been awarded towards future medical expenses, ₹ 1,00,000/- have been awarded towards pain and suffering, ₹ 1,00,000/- have been awarded towards loss of amenities and expectation of life and ₹ 2,00,000/- have been awarded towards permanent disability. The compensation so awarded by the learned Tribunal is just and appropriate which does not call for any further enhancement.

12. Thus, keeping in view my aforesaid discussion, the present appeal being without any merits, is hereby dismissed.

31.03.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**