

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

FAO No.6419 of 2013 (O&M)
Date of decision: August 23, 2016

Prabhjeet Kaur ...Appellant

Versus

Sarabjit Singh & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Ekta Thakur, Advocate for the appellants.
Mr. Satish Jain, Advocate for respondent No.3.

Rajan Gupta, J.(oral)

Present appeal has been preferred by the appellant dissatisfied with the compensation granted by the tribunal.

Learned counsel for the appellant submits that tribunal has erred in not granting adequate compensation under usual heads like pain and suffering transportation, loss of income etc. and appellant has not been granted any amount for attendant. He, thus, submits that reasonable amount may be granted to the appellant under the aforesaid heads.

Learned counsel for the respondent No.3 insurance company submits that adequate compensation has been awarded for the injuries suffered by the appellant.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that accident took place on 24.9.2009, in which appellant suffered injuries. Admittedly, accident was result of rash and negligent driving of the offending car being driven by respondent No.1. As

a result of said accident, claimant remained admitted in the hospital from 24.9.2009 to 7.10.2009. The tribunal assessed a sum of Rs.1,09,749/- towards expenses on medical treatment of the appellant, Rs.20,000/- towards pain and suffering and Rs.24,000/- on account of transportation, food and other miscellaneous expenses. For loss of future earning capacity the tribunal has assessed monthly income of the appellant as Rs.3000/- i.e. Rs.36,000/- per annum. Loss of future earning was assessed as Rs.5400/- per annum (15% of the annual income) and by applying multiplier of 15, appellant was granted Rs.81,000/- under this head. In my considered view, income of the appellant has been assessed on the lower side. Therefore, monthly income of the appellant is assessed as Rs.4000/- per month i.e. Rs.48,000/- per annum. In this way, loss of future earning of the appellant comes to Rs.7200/- per annum. So, the appellant would be entitled to another sum of Rs.27,000/- under this head. I am also of the view that compensation granted under the head of pain and suffering is also on the lower side. Therefore, the appellant would be entitled to another sum of Rs.30,000/- for pain and suffering. He would also be entitled to Rs.10,000/- for attendant. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

(RAJAN GUPTA)
JUDGE

August 23, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No