

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 6172 of 2016 (O&M)

Date of Decision : 17.10.2016

Reliance General Insurance Co. Ltd.

....Appellant

Versus

Ankit and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sanjeev Kodan, Advocate
for the appellant.

Surinder Gupta, J.

This is appeal by Reliance General Insurance Co. Ltd. challenging award dated 17.08.2016 passed by Motor Accident Claims Tribunal, Gurgaon (later referred to as 'the Tribunal') awarding compensation of ₹24,82,000/- to claimant-Ankit, aged 32 years, for the injuries and 100% disability suffered by him in accident with bus bearing registration no. HR-55-D-6884 (later referred to as 'the offending vehicle').

2. Learned counsel for the appellant has assailed the award on two counts. Firstly, that the Tribunal has taken income of claimant as ₹9000/- per month, without there being any documentary evidence, which is on higher side. PW-4 Dr. Pankaj Aggarwal has stated that claimant was not having any disability with respect to his chest, arms, mind and mouth, which means that he was not permanently disabled to the extent of 100%. The Tribunal assessed compensation for the loss of future income and other conventional heads on higher side by taking his permanent disability as 100%.

3. Detailed facts of the case are being skipped for the sake of brevity as the appellant-Insurance Company has only challenged the quantum of

4. The Tribunal computed amount of compensation awarded to claimant-respondent no. 1, as follows:-

<i>Sr.No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Transportation charges	₹30000
(ii)	Special diet	₹30000
(iii)	Medical expenses	₹294000
(iv)	Future attendant charges	₹200000
(v)	Pain and suffering	₹100000
(vi)	Loss of future income	₹1728000
(vii)	Loss of enjoyment of life	₹100000
<i>Total</i>		₹2482000

5. While awarding compensation the Tribunal has taken note of injuries and disability suffered by claimant. He has been completely paralyzed and has become 100% crippled and bedridden. At the time of accident he was having young wife and two minor children. PW-4 Dr. Pankaj Aggarwal, Senior Medical Officer, General Hospital, Gurgaon, who was a member of the board, which examined claimant and issued disability certificate, has stated that his disability was 100% on account of traumatic paraplegia with bladder bowel involvement with bed sores. The Tribunal took note of the fact that due to paraplegia, claimant was unable to perform even his daily routines and is bedridden, thereby, has become 100% disabled. The term paraplegia is a medical condition involving impairment in motor or sensory function of the lower extremities, which is a classification of paralysis. It is predominantly the result of a spinal cord injury due to accident or other trauma. The chest, arms, mind and mouth of the person are not affected but he is not in a condition to move and to perform any job. The statement by PW-4 Dr. Pankaj Aggarwal that

and mouth etc. in no manner defies the disability certificate given by the board of doctors assessing 100% disability of claimant. A person, who is on bed and is unable to walk, stand or do any kind of work, is totally dependant on his family and attendants. On the basis of evidence on record including medical evidence, the Tribunal has rightly concluded that claimant has become 100% crippled and permanently disabled and assessed compensation accordingly. Income of claimant was taken as ₹9000/- per month as he was working as conductor. Even otherwise, in the year 2014, a daily wager could earn ₹300/- per day and income of claimant as assessed by the Tribunal is not on higher side. Compensation awarded by the Tribunal on conventional heads and for loss of future income cannot be termed as higher or unreasonable in the facts and circumstances of present case.

6. Both the arguments put-forth by learned counsel for the appellant have not merits and are discarded. Consequently, this appeal is without merit and the same is dismissed.

October 17, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No