

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-7648-2015
Decided on : May 09, 2016

RAHUL
.....Petitioner

VERSUS

KRISHAN KUMAR AND ANOTHER
.....Respondents

CORAM : HON'BLE MR. JUSTICE K. KANNAN

Present: None for the appellant.

 None for respondent No.1.

 Mr. Rajneesh Malhotra, Advocate
 for respondent No.2.

K. KANNAN, J (ORAL)

The appeal is filed for enhancement of compensation for injuries suffered by the appellant, aged 20 years. The Tribunal took income at Rs.5,000/- and liberally adopted the formulation rendered by this Court in Balwinder Pal Singh versus Harjinder Singh 2013(1) PLR 8568 and assessed the compensation under the following Heads:-

Age	20 years	
Period of hospitalization	From 11.7.2013 to 19.7.2013	
Occupation	Labourer	
	<u>Heads of Claim</u>	
Sr. No.		Amount
1	Loss of Income during treatment	Rs.30,000/-
2	Medical Expenses	
(i)	Medicines	Rs.47,735/-
(ii)	Hospital Charges including implant	---

Age	20 years	
(iii)	Attendant Charges	Rs.15,000/-
(iv)	Special diet	Rs.15,000/-
3	Transportation	Rs.10,000/-
4	Pain & Suffering	Rs.1,00,000/-
5	Disability qua whole body	75%
6	% of loss of annual earning capacity due to permanent disability = (5000 x 12 x 75/100) =Rs.45,000/-	
6	% of loss of earning capacity x multiplier (45,000 x 18)	Rs.8,10,000/-
7	Reduction in life expectancy/loss of amenities.	Rs.1,00,000/-
8	Cost of Prosthesis	Rs.20,000/-
	Total :	Rs.11,47,735/-

The Tribunal has assessed the liability which is possible and there is no scope for further enhancement.

The counsel argued that the loss of future income has not been awarded. It is erroneous argument, for the amount awarded for loss of earning capacity must be taken as a loss of his future earning. The counsel has also grievance that loss of right leg must mean 100% loss of earning capacity. Amputation is a scheduled injury and the manner of assessment of loss of earning capacity as provided under the Employees Compensation Act, 1923 is the best guide for assessment of loss of earning capacity. There is no warrant for arbitrary increase of earning capacity to 100%.

The award is maintained. The appeal is dismissed.

May 09, 2016
Rajneesh

(K. KANNAN)
JUDGE