

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

**FAO No. 1367 of 1991 (O&M)
Date of Decision: July 19, 2017**

Arjun Singh

..Appellant(s)

Versus

Ved Parkash and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sushil Sheoran, Advocate
for the appellant.

Mr. Paul S. Saini, Advocate
for respondent no.4-insurance company.

ANITA CHAUDHRY, J.

This is the claimant's appeal seeking enhancement in the award dated 07.08.1991, passed by the Motor Accident Claims Tribunal, Bhiwani.

The record of this file had been burnt in the fire accident which had taken place in the year 2011. Only the copy of the award could be reconstructed. None of the parties could give any material for reconstruction of the record. The counsels appearing for the parties agreed that the matter can be decided on the basis of whatever is available on the record.

A petition under Section 110-A of the Motor Vehicle Act was filed relating to an accident which occurred on 12.04.1989. The claimant suffered injuries in the accident and he was admitted in Base Hospital, Delhi on 01.08.1989 and was discharged on 04.10.1989. It was claimed that before that he was admitted in Civil Hospital in July, 1989. The claimant had suffered a fracture and the disability was assessed at 5%. Claimant had stated that he had spent Rs.20,000/- on his treatment. The Tribunal assessed the amount for the disability by taking the loss to be Rs.300/- per month and by applying the multiplier of 16 the loss was assessed at Rs.58,000/-. Rs.20,000/- was allowed for the pain and suffering, Rs. 12,000/- was allowed for further treatment, raising the total to Rs.1,10,000/-, which was payable with interest @ 12%.

I have heard counsel of both the sides.

The claimant was stated to have been admitted in civil hospital but that record is not available nor it was tendered before the Court below, however, the admission in the Base Hospital was proved. The claimant had pleaded that his monthly income was Rs.2,000/-, which included his pension. No material has been placed on record to show the amount of pension and the amount he was earning from other avocations. I would not make any change with respect to the amount allowed for the disability. The multiplier method was applied to calculate the loss, however, I find that compensation had not been awarded for certain heads and I propose to add the following:-

Sr. No.	Head of Compensation	Amount
1.	Loss of income for 3 months (Rs.1,000/- x 3)	Rs.3,000/-
2.	Physiotherapy for 3 months (Rs.1,000/- x 3)	Rs.3,000/-
3.	Attendant Charges for 3 months (Rs.1,000/- x 3)	Rs.3,000/-
4.	Special Diet	Rs.5,000/-
	TOTAL	Rs.14,000/-

The appellant would be entitled to a sum of Rs.14,000/-, which would be paid within two months from today, failing which the appellant would be entitled to interest @ 6% from March 1991 till realization. The award is modified.

The appeal is partly allowed.

July 19, 2017
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No