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

FAO No. 2360 of 1996(O&M)

Date of decision: 17.11.2017

Harminder Pal Singh ....Appellant

VERSUS

Tilak Raj and others .....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ashwani Arora, Advocate for the appellant.

Mr. Sanjiv Pabbi, Advocate for respondent No.3.

REKHA MITTAL, J.

The injured victim is in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Chandigarh (in short 'the Tribunal') in respect of injuries sustained by him on the intervening night of 19/20.10.1992 due to rash and negligent driving of Van No.CH-02-0064 by Tilak Raj, its driver.

The Tribunal awarded compensation to the tune of Rs.55,000/-, detailed hereunder:-

Costs of medicines, travelling and special diet	Rs.5,000/-
Compensation qua disability	Rs.30,000/-
Loss of amenities of life & pain and sufferings	Rs.20,000/-

Counsel for the appellant has submitted that the injured suffered permanent disability to the extent of 44% as per disability certificate Ex.PW4/A, proved by Dr. Rajinder Sharma PW-4. It is argued that the Tribunal has not awarded compensation for loss of income qua disability, liable to be assessed by adopting multiplier method. It is further argued that compensation awarded under other heads needs enhancement.

Counsel representing the insurance company has submitted that assessment of compensation made by the Tribunal in regard to an occurrence pertaining to the year 1992 does not warrant intervention. It is argued that the injured was working as Assistant Soil Conservator Mohali at a salary of Rs.2,800/- per month. There is nothing on record suggestive of the fact that he suffered any loss of income due to sustaining of injuries as he continued in service (government) till the age of superannuation at 58 years of age. The claimant failed to adduce evidence with regard to his leave for 180 days much less that during the period of leave, he suffered any financial loss. Another submission made by counsel is that as the injured was 42 years old and he remained working as a Government employee for another 16 years, he cannot claim compensation for loss of future income that has never occurred in the circumstances of the present case.

Counsel for the claimant, in reply, has not disputed that the injured remained in service till his retirement on attaining the age of superannuation i.e. 58 years. It has been fairly conceded by counsel that the claimant did not adduce evidence with regard to his leave for 180 days or suffered any financial loss on account of leave. However, it is argued with vehemence that even if the claimant remained working till his retirement, he is entitled to get compensation for loss of income. For this purpose, he has referred to Division Bench judgment of this Court **Naresh Chandra Mytle Vs. Haryana State , 1995 ACJ 987**. Further reference has been made to judgment by a Single Bench of the Court **Baldev Raj Vs. Jeet Singh and others, FAO No.387 of 2004 decided on 07.05.2014**.

I have heard counsel for the parties, perused the paper-book and copies of documents made available during the course of hearing by counsel for the claimant as records got burnt in a fire incident.

The claimant examined Dr. Rajinder Sharma, Medical Officer, General Hospital, Sector 16, Chandigarh to prove his case with regard to nature of injuries sustained and disability certificate in regard to disability to the extent of 44%. As has been noticed hereinbefore, counsel for the claimant supplied copies of documents at the time of hearing. Perusal of the document showing disability to the extent of 44% reveals that the said document has not been issued by a Medical Board. It further appears that disability has been assessed by Dr. Rajinder Sharma alone. The observations recorded in the disability certificate are not clearly legible. The testimony of Dr. Rajinder Sharma recorded before the Tribunal is not available for perusal and appreciation. However, it is undisputed position of the case that the injured continued in service till his retirement on attaining the age of superannuation at 58 years. The claimant did not adduce any evidence that the injury/disability suffered by him stood in his way for progress in his career resulting in financial loss in any manner whatever. The claimant did not examine a witness from his department to prove that he remained on leave for 180 days or suffered any financial loss.

The question that falls for consideration is whether the claimant can press for loss of future income due to disability. To answer this question, the Court need to appreciate the judgments referred to by counsel for the claimant. In **Naresh Chandra Mytle's case** (supra), the injured was an orthopaedic surgeon aged 40 years and he was a government employee. This Court by taking into consideration that even after retirement the injured would have continued to work as a Surgeon, therefore, assessed expected loss of income after retirement to an extent of 1/3rd even if he was to earn only Rs.5000/- per month which income could be expected of the person of a caliber and stature of the appellant therein. The Court by applying a multiplier of 7 computed loss of income to the extent of Rs.1,00,000/-. The present appellant cannot draw parity with the case of referred authority as he is not a technical person. In **Baldev Raj's case** (supra), the injured was 54 years old and this Court by applying a multiplier of 9 in place of appropriate multiplier of 11 applicable in the age group of 51 – 55 years assessed loss of future income to the extent of Rs.61,272/-.

Coming to the case at hand, the injured was 42 years old and the appropriate multiplier for computing loss can be 14. As the injured remained working with the Government for a period more than the period of which the multiplier can be allowed in the given circumstances, the appellant cannot derive advantage to his contention from the judgment in **Baldev Raj's case** (supra). I would hasten to add that as per the settled position in law, the Tribunal has an obligation to assess just and reasonable compensation which cannot be a source of profit, bonanza or largesse. When the facts and circumstances of the present case are examined in the light of aforesaid principle, I find it difficult to accept contention of the appellant that addition in compensation on any count is justified.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed leaving the parties to bear their own costs.

NOVEMBER 17, 2017 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no