

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

**FAO No.805 of 1996 (O&M)
Date of Decision: May 23, 2017**

Anjni

..Appellant(s)

Versus

Dalip Singh and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Praduman Yadav, Advocate
for the appellant.

Mr. Ravi Verma, Advocate
for respondent no.2-insurance company.

ANITA CHAUDHRY, J.

This is the claimant's appeal seeking enhancement in the award dated 16.08.1995, passed by the Motor Accident Claims Tribunal, Narnaul.

Anjni met with an accident on 03.04.1994. There was shortening of the right leg. The claimant produced a disability certificate Ex. PF which was issued by a private doctor. The respondents examined the Medical Officer from Government Hospital who deposed that there was disability to the extent of 20% and was permanent in nature as there was shortening of leg by half an inch and there was mild restricted movement of the right ankle joint and wasting of muscle of the right leg.

The claimant was stated to be an agriculturist. He had given his age as 21 years but gave his age as 27 years at the evidence stage. The claimant had pleaded that he was earning Rs.2,000/- per month but during season he was able to earn Rs.17,000/- per month. He also claimed to have spent Rs.80,000/- on his treatment. The Tribunal awarded a lump sum amount of Rs.95,000/- which included a sum of Rs.49,582/- i.e. the actual amount spent on purchase of medicines.

The counsel for the appellant has urged that the Tribunal had failed to make an addition towards future prospects and the injured was young in age and there was hospitalization for 15 days and a lump sum amount of Rs.95,000/- had been allowed out of which 50% approximately was spent on the purchase of medicines. It was urged that the multiplier method should be applied to calculate the loss and amount be awarded for pain & suffering, attendant charges and for physiotherapy.

The claimant had given his age as 21 years in the petition. In the MLR his age was mentioned as 25 years but when he stepped into the witness box he gave his age as 27 years. Claimant had stated that he was an agriculturist but failed to produce any Jamabandi. The claimant had stated that he owned 8 Killas of land and had engaged 65 - 70 labourers but no evidence was led. The oral statement could not be accepted. There is a contradiction with respect to age. The age of

the claimant can be taken to be between 26 to 30. An addition of 50% shall have to be made for future prospects. Taking the income to be Rs.2,000/- per month and making an addition of 50% the income would be Rs.3,000/- per month. The disability was to the extent of 20% of the limb. The functional disability would be lesser, which I take at 15%. Taking the disability at 15% the compensation for the disability would be $450 \times 12 \times 18 + \text{Rs.}97,200/-$. The Tribunal had failed to award compensation on various heads. Therefore, the compensation payable would be as under:-

Disability	: Rs.97,200/-
Pain and suffering	: Rs.15,000/-
Attendant (Rs.1000/- x 4)	: Rs.4,000/-
Physiotherapy (Rs.1000/- x 6)	: Rs.6,000/-
Total	: Rs.1,22,200/-

The Tribunal had awarded Rs.95,000/-, which would be deducted. The remaining amount would be payable with interest @ 6% from January 1996.

The appeal is partly allowed.

May 23, 2017

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No