

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

FAO No. 2604 of 2000

Date of Decision: 02.12.2017

SARDARA

-APPELLANT

VS

JULFAN AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mohnish Sharma, Advocate,
for the appellant.

Mr. D.R. Bansal, Advocate, and
Mr. Neeraj Khanna, Advocate, for
Mr. Ravinder Arora, Advocate,
for respondent No.3.

RAJ MOHAN SINGH, J. (ORAL)

[1]. The claimant has filed this appeal for enhancement of compensation for the injuries suffered by him in a vehicular accident.

[2]. The accident took place on 06.02.1997 when the appellant along with other labourers went to the plot of Kohliwala and were extracting bajri. In the meanwhile, the offending tractor came from the side of Kalasar for fetching stone in a rash and negligent manner. When the injured-appellant was busy in his work, the tractor hit him and crossed over his leg. The left leg of the appellant was amputated in

P.G.I.

[3]. The Tribunal on the basis of pleadings and material on record assessed the compensation to the tune of Rs.70,000/- under all heads.

[4]. Learned counsel for the appellant has submitted that even if the income of the injured is assessed on the basis of daily wage prevailing in the year 1997, the same cannot be treated to be less than Rs.2000/- per month. Since the injured-appellant has suffered 40% permanent disability on account of amputation of left leg, therefore, compensation has to be assessed on the basis of multiplier method towards future loss of income of the appellant.

[5]. Learned counsel further submitted that nothing has been awarded by the Tribunal towards pain and sufferings and other conventional heads except consolidated amount of Rs.30,000/- for treatment and medicines etc. The accident in question is proved on record. For the determination herein, only the extent of compensation to which the appellant is entitled to, is to be assessed.

[6]. Apparently, the accident took place on 06.02.1997. Even as per the daily wage prevailing in the year 1997, the income of the injured can be assessed to be Rs.2000/- per month. On account of amputation of left leg, loss to the tune of

40% can be computed to Rs.800/- per month i.e. Rs.9600/- per annum. The injured was 30 years of age at the time of accident, therefore, future loss of income on account of permanent disability in view of Govind Yadav Vs. New India Insurance Company Limited, 2011 (4) RCR (Civil) 817, K. Suresh Vs. New India Assurance Company Limited and another, 2013(1) RCR (Civil) 312, S. Manickam s. Metropolitan Transport Corporation Ltd, 2013(3) RCR (Civil) 696, G. Ravindranath @ R. Chowdary Vs. E. Srinivas and another, 2013(3) RCR (Civil) 934, Rekha Jain Vs. National Insurance Company Ltd., 2013(3) RCR (Civil) 996, Neerupam Mohan Mathur Vs. New India Assurance Company, 2013(4) Law Herald (SC) 3422, and Yadava Kumar Vs The Divisional Manager, National Insurance Company Ltd. and another, 2010(4) RCR (Civil) 155, can be assessed by applying the multiplier method in addition to the compensation on account of permanent disability @ Rs.2000 per percentage of disability. Since, the appellant has suffered 40% disability and the stand taken by the Insurance Company has been negated in the impugned order to which no cross appeal has been preferred. This Court is of the opinion that in addition to the amount towards future loss of income on account of permanent disability, the permanent disability @ Rs.2000 per percentage can be added up under the

head of permanent disability. After due computation, this amount will come to Rs.2,43,200/-. An amount of Rs.1 lac can be added up for other conventional heads i.e. pain and sufferings, transportation and special diet and attendant charges.

[7]. In this way, the total amount is assessed to be Rs.3,43,200/-. The amount already awarded i.e. Rs.70,000/- has to be deducted from such computation, therefore, the award of Rs.2,73,200/- would suffice to serve the purpose for disposal of this appeal.

[8]. The aforesaid enhanced amount shall carry an interest @ 7.5% per annum from the date of filing of claim petition till final realization of the amount.

[9]. Disposed of.

02.12.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No