

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

FAO No.3147 of 2003

Date of Decision.26.07.2017

Harbans Singh

.....Appellant

Vs

Jagsir Singh alias Jagga and others

.....Respondents

Present: Mr. Ashok Jindal, Advocate
for the appellant.

Mr. Pardeep Goyal, Advocate
for the insurance company.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The appeal is for enhancement of compensation for injuries suffered in a motor accident. The claimant along with his cousin was going towards his fields on tractor and on reaching his fields, he alighted on the kuccha portion of the road towards left side. In the meantime, a bus bearing registration No.PB-30-B-9236 coming from the side of Rampura, being driven rashly and negligently by respondent No.1, struck against the claimant, resulting into multiple fractures on his person. An FIR bearing No.43 dated 15.11.2001 was also lodged in this regard.

The claimant got fracture of left hip with multiple soft tissue injuries and received injuries on head, chest and right arm. He remained hospitalized from 15.11.2001 to 13.12.2001. The claimant was an agriculturist and permanent disability due to injuries was assessed as 40% by the Board of Doctors.

The Tribunal while assessing the compensation provided ₹1800/- per month for loss of earning for six months, ₹25,000/- towards

pain and suffering, ₹46,813/- towards medical expenses and ₹1,29,600/- towards future loss of income, in total awarded ₹2,12,213/-.

Learned counsel appearing for the claimant-appellant submits that the Tribunal has provided nothing for special diet, attendant charges and transportation. The income of the claimant was assessed to a very paltry sum of ₹1800/- per month when he was stated to be earning ₹6000/- per month from his agriculture work. The multiplier adopted by the Tribunal was wrongly taken as 15 whereas it should have been 16. The amount assessed for pain and suffering is also on lower side, thus, the amount of compensation is required to be enhanced.

On the contrary, learned counsel for the insurance company submits that the Tribunal has assessed all the heads of claim appropriately and there is no scope for enhancement, thus, urges this court for dismissal of the appeal.

I have heard learned counsel for the parties and appraised the paper book. The claimant had suffered fracture of hip and same must have been reduced through surgical procedure, therefore, I will provide another ₹25,000/- for pain and suffering and loss of amenities of life. The Tribunal has wrongly applied the multiplier of 15 for a person between 33-35 years whereas it should have been 16, therefore, I will adopt the same, which will make a difference of ₹8640/- under the head loss of future income, from what has already been assessed by the Tribunal. I will also provide ₹5000/- each towards special diet and transportation. Therefore, the claimant-appellant shall be entitled to ₹43,640/-.

The enhanced amount of ₹43,640/- shall also attract interest

liability shall remain the same as has already been fixed by the Tribunal.

The award stands modified and the appeal is allowed to the above extent.

(AMIT RAWAL)
JUDGE

July 26, 2017
Pankaj*

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No