

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

FAO No.1751 of 2003(O&M)

Date of decision: 22.12.2017

Lal Singh

.....Appellant

VERSUS

Sh. Jagdish and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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

Mr. V. Ramswaroop, Advocate for respondents.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Karnal (in short 'the Tribunal') in respect of injuries sustained by him in a motor vehicular accident that took place on 05.06.2001.

The Tribunal has assessed compensation to the tune of Rs.2,45,500/-, detailed hereunder:-

Medical expenses	Rs.16,000/-
Expenses on transportation, special diet, pain and sufferings and mental agony	Rs.13,500/-
Loss of future income	Rs.2,16,000/-

Counsel for the appellant has submitted that compensation awarded by the Tribunal under various heads is grossly inadequate and liable to be enhanced. The injured is entitled to compensation for services

of an attendant throughout his life and loss of amenities of life plus expenses on medical treatment in future.

Counsel representing the insurance company would state that adequate compensation may be allowed in the given facts and circumstances. However, he has not disputed that the injured has been rendered disabled to the extent of 100% owing to injuries sustained in the occurrence.

I have heard counsel for the parties, perused the paper-book particularly the award passed by the Tribunal as records have been burnt in a fire incident.

Indisputably, the injured suffered damaged clavicle bone that rendered him 100% disabled and confined to bed. The Tribunal has assessed loss of future income qua disability by applying multiplier method, detailed hereunder:-

Monthly income of the victim	Rs.2000/-
Multiplier	9
Loss of future income	Rs.2,16,000/- (Rs.2000/- x 12 x 9)

Counsel for the appellant has submitted that an application has been filed for placing on record documents with regard to educational qualification of the injured victim. Neither the appellant has filed an application for additional evidence nor produced the original documents on record. Under the circumstances, the Tribunal has rightly relied upon minimum wage available at the relevant time for assessing income of the victim. However, there would be addition for future prospects to the extent of 40%. The injured victim was in the age bracket of 35-40 years and admissible multiplier would be 15. In this manner, loss of future income is

calculated at Rs.5,04,000/- [Rs.3,60,000/- (Rs.2000/- x 12 x 15) + Rs.1,44,000/- (40% towards future prospects)].

As has been discussed hereinbefore, it is undisputed position of the case that due to injury of backbone, victim has been rendered 100% disabled with no control over urine and bowel, he requires the services of an attendant round the clock. He is awarded an amount of Rs.2,00,000/- for services of an attendant.

The Tribunal has not awarded any compensation for loss of amenities of life. Taking into consideration plight of the injured victim, he is awarded an amount of Rs.1,00,000/- for loss of amenities of life.

The Tribunal has allowed compensation to the tune of Rs.16,000/- for expenses on purchase of medicines. It has been proved on record that initially the injured was admitted in Karan Hospital from where he was referred to PGI, Rohtak. He remained there from 06.06.2001 to 26.07.2001 and thereafter shifted to Delhi. The claimant produced on record bills Ex.P2 to P-35, basis of allowing reimbursement of Rs.16,000/- qua price of medicines. This Court cannot over-look that in such like serious injury cases, family of the victim would be at a total loss. It may not be possible for the family to maintain a complete record of the expenses incurred on treatment. The claimant is allowed an additional amount of Rs.9,000/- for expenses on medical treatment. He shall be entitled to an amount of Rs.25,000/- for pain and sufferings. An amount of Rs.13,500/- allowed by the Tribunal shall be appropriated towards expenses of special diet and transportation. The claimant shall be entitled to another sum of Rs.25,000/- for expenses on medical treatment in future.

In view of the above, total compensation comes to Rs.8,92,500/- and the additional amount is Rs.6,47,000/- (Rs.8,92,500/- -

Rs.2,45,500/-). The additional amount shall carry interest at the rate of 7.5% per annum from the date of petition till realization and the same shall be invested in a Fixed Deposit. The interest accruing on the fixed deposit shall be payable to wife of the victim for meeting expenses. She shall be entitled to withdraw 10% of the amount each year for looking after needs of the victim.

The appeal is partly allowed in the aforesaid terms.

DECEMBER 22, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no