

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 324 of 2003
Date of decision : December 20, 2017

Smt. Bholi Devi

..... Appellant

Versus

Raju Singh and others

..... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. Tapan Yadav, Advocate
for the appellants.

Ms. Shamsheer Kaur, Advocate
for respondent No.3.

REKHA MITTAL J (Oral).

The injured victim is in appeal seeking enhancement of compensation in respect of injuries sustained in a motor vehicular accident that took place on 16.2.2000.

The tribunal has awarded compensation to the tune of Rs.2,30,000/-, detailed hereunder:

S.No.	Heads of claim	Amount (Rs.)
1.	Compensation qua permanent disability to the extent of 80%	1,60,000/-
2.	Pain and suffering and loss of amenities	50,000/-
3.	Expenses on medical treatment	5,000/-
4.	Special diet	7,000/-
5.	Services of attendant	5,000/-
6.	Expenses on transportation	3,000/-
	Total	2,30,000/-

Counsel for the appellant has submitted that compensation awarded by the tribunal under various heads is on lower side and requires enhancement. To bring home his contention, it is argued that injuries sustained in the occurrence rendered the victim permanently disable to the extent of 80% as her left leg has been amputated.

Counsel representing the Insurance company, on the contrary, has supported the assessment with the submission that adequate compensation has been awarded pertaining to occurrence that happened in February 2000.

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

There is no dispute that left leg of the victim has been amputated rendering her disable to the extent of 80%, and the claimant examined Dr. A. K. Saini, PW-4 to prove disability certificate Ex.PW-4/A. The tribunal has awarded compensation of Rs.1,60,000/- @ Rs.2,000/- per percent of 80% disability. Even if the claimant is allowed compensation qua future loss of income by applying multiplier method and treating her functional disability to the extent of 50%, the amount would not be more than Rs.1,60,000/-. Under the circumstances, compensation awarded by the tribunal qua permanent disability is affirmed.

The victim was 53 years old at the time of occurrence. She failed to adduce sufficient proof of her employment. Her services as house maker can be assessed at the rate of Rs.2000/- per month. Keeping in view nature of disability suffered by the victim, interest of justice would be served if she is awarded another sum of Rs.60,000/- towards loss of

amenities of life, services of attendant, expenses of transportation and price of artificial limb, payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

December 20, 2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No