

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

FAO-5069-2003

Date of decision: 14.09.2017

Tejinder Singh

.... Appellant

Versus

Pawan Kumar and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr.Gautam Pathania, Advocate  
for the appellant.

Mr.Deepak Malhotra, Advocate  
for respondent No.2.

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**Avneesh Jhingan, J.**

The present appeal is filed against the award dated 16.07.2003 passed by Motor Accidents Claims Tribunal, Gurdaspur (hereinafter referred to as the 'Tribunal').

The brief facts are that one Tejinder Singh while travelling in his jeep bearing registration No.HRK-4632 on 19.08.2000 was struck by a jeep bearing registration No.DL 2 C/B-0241 (for short, 'the offending vehicle'). As a result of the accident, the right arm of Tejinder Singh was amputated near the shoulder. He was running a stone crusher. His income tax return w.e.f. 01.04.1999 to 31.03.2000 came on record which showed that his annual income was Rs.72,000/-. The disability certificate was also produced as Ex.A29 before the Tribunal. The Tribunal granted a lumpsum amount of Rs.3 lakhs as compensation for his disability and loss of income

including future income. He was also awarded by learned Tribunal, the following amount as detailed below :-

| <i>Sr. No.</i> | <i>Heads</i>                                          | <i>amount</i> |
|----------------|-------------------------------------------------------|---------------|
| 1              | Disability and loss of income including future income | Rs.3,00,000/- |
| 2              | Medical treatment                                     | Rs.69,425/-   |
| 3              | Pain and suffering                                    | Rs.10,000/-   |
| 4              | Loss of social status                                 | Rs.10,000/-   |
| 5              | Employment of attendants including driver             | Rs.20,000/-   |
|                | Total                                                 | Rs.4,09,425/- |

Aggrieved of the said award, the present appeal has been filed.

I have heard the learned counsel for the parties and perused the paperbook with their able assistance.

Learned counsel for the appellant has argued that there is medical certificate in which 85% disability of the appellant has been shown. Keeping in view that he has lost his right arm and was not able to carry on his business, the amount awarded is very meager. He further argued that multiplier method should have been applied.

Learned counsel for the respondent has argued that since no proof of his loss of income has come on record and 85% disability was not on the whole body but it was only of the right arm, therefore, the amount already awarded is sufficient.

Without expressing any opinion on the merits of the case, I deem it appropriate that the matter be remitted back to the Tribunal. Before deciding the issue of compensation first of all it is to be seen that what is the functional disablement and further what is the loss of income because of the

disability. The Tribunal will provide three effective opportunities each to the claimant and the respondents to adduce their evidence. Thereafter, the Tribunal may assess the compensation to be awarded. It is clarified that the amount Rs.5,04,616/- already paid which includes interest would be subject to the decision of the Tribunal.

Both the parties shall appear before the Tribunal on 10.10.2017. In this case, since the accident occurred in the year 2000, the Tribunal so far as possible may dispose of this case expeditiously.

The appeal stands disposed of.

**(AVNEESH JHINGAN)**  
**JUDGE**

**14.09.2017**

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Note:

1. Whether the order is speaking/reasoned: Yes
2. Whether the order is reportable : No