

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

FAO No.4241 of 2005

Date of Decision.14.11.2017

Nardeep Singh s/o Lashkar Singh

.....Appellant

Vs

Jarnail Singh and others

.....Respondents

Present: Mr. Arun Bansal, Advocate
for the appellant.

Mr. IPS Doabia, Addl. A.G., Punjab.

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 that took place on 20.05.2004. The injured boarded the bus bearing registration No.PB-12C-9751 of Punjab Roadways from Hoshiarpur bus stand to go to Haryana. When the aforementioned bus reached near the electricity house, the bus went out of control due to rash and negligent driving of respondent No.1 and struck against truck bearing registration No.HR-37A-1342 first and then stopped after hitting the tree. Due to the impact, the injured received serious injuries. He was moved to Civil Hospital, Haryana from where he referred to Civil Hospital, Hoshiarpur. He remained admitted there upto 23.6.2004.

The Tribunal awarded a compensation of ₹75,000/- under the following heads:-

Permanent Disability	₹25,000/-
Future loss of income	₹25,000/-
Medical Bills	₹14,000/-
Pain and suffering	₹5,000/-
Attendant charges	₹2,000/-

Special diet	₹2,000/-
Taxi charges	₹2,000/-
Total	₹75,000/-

Mr. Arun Bansal, learned counsel appearing on behalf of the appellant submits that the claimant was assessed 85% permanent disability on account of amputation of right arm but the Tribunal provided only a meagre sum of ₹25,000/- for future loss of income. He was a diesel engine mechanic and stated to be earning ₹7000/- per month. The Tribunal ought to have assessed the future loss of earning on account of 85% permanent disability by applying the multiplier of 13. Moreover, the amounts provided under the heads of pain and suffering, special diet, travelling expenses, hospitalization and attendant charges are also on lower side, thus, urges this Court for enhancement of compensation.

Per contra, Mr. IPS Doabia, Addl. A.G., Punjab vehemently argued that the Tribunal has taken care of all the heads of claim and there is no scope for further enhancement. No documentary evidence brought on record to show that the injured was earning ₹7000/- per month. In the absence of any documentary evidence regarding income, the Tribunal has rightly provided a sum of ₹25,000/- for loss of earning, thus, urges this Court for dismissal of the appeal.

I have heard learned counsel for the parties and appraised the paper book. The claimant's right arm has been amputated. He was stated to be a diesel engine mechanic and his disability was assessed as 85% permanent in nature. With the amputation of his right arm, he has been rendered incapacitated to earn in future. Therefore, I will take the income of the deceased as ₹7000/- per month and apply a multiplier of 13 to assess

₹9,28,200/-. I will retain rest of the amounts provided by the Tribunal under various heads. Therefore, the claimant shall be entitled to an enhanced sum of ₹9,03,200/- i.e. (₹9,28,200-25000). This amount shall also attract interest @6% from the date of filing of the appeal till its realization. The liability shall remain the same as has already been determined by the Tribunal.

The award passed by the Tribunal is modified to the above extent and the appeal stands allowed in the above terms.

(AMIT RAWAL)
JUDGE

November 14, 2017

Pankaj*

Whether reasoned/speaking Yes

Whether reportable No