

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

**FAO No. 194 of 2007 (O&M)
Date of Decision: September 29, 2017**

Rajmal Singh

..Appellant(s)

Versus

Sajjan Singh and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Chandeeep Singh, Advocate for
Mr. Anoop Bajwa, Advocate (Amicus Curiae) with
Mr. Jitender K. Sehrawat, Advocate for
Mr. N.S. Shekhawat, Advocate
for the appellant.

Mr. Pardeep Goyal, Advocate for
Mr. Ravinder Arora, Advocate
for respondent no.3-Insurance Company.

ANITA CHAUDHRY, J.

This is the claimants' appeal seeking enhancement in the
award dated 17.07.2006, passed by the Motor Accident Claims
Tribunal, Rewari.

Rajmal Singh was 28 years old at the time of accident
which occurred on 06.02.2004. He was on a scooter driven by Vinod
Singh. He and Sunil were on the pillion. A Maruti van driven by
respondent no.1 came and hit them. All the occupants sustained

injuries. Rajmal had pleaded that he was a self-employed and was earning Rs.7,000/- per month. He suffered a crush injury on the right lower leg and on the foot and some injuries on the other parts of the body, it led to amputation of the leg. The Tribunal noted that he had remained admitted in the hospital for a week. The income for the purposes of calculations and assessing the loss on account of disability was taken at Rs.3,000/- per month, which was more than the minimum wages. A claim of Rs.3,87,400/- was allowed.

Counsel for the appellant contends that income has been taken on the lower side and some amount should have been added towards future prospects and amount should have been allowed for future treatment and meagre amount has been allowed on the miscellaneous heads.

The appellant's leg was amputated. He was only 28 years old. He had pleaded that his income was Rs.5,000/- per month though he could not lead any evidence. The minimum wages in 2004 were less than Rs.2,300/- per month. The Tribunal had taken the income to be Rs.3,000/- per month and I would make no change but keeping his young age, an addition of 50% of his income as future increase in the income should be made and income for purposes of calculation is taken at Rs.6,000/- per month. The disability was to the extent of 60% and the loss per month would be Rs.3,600/- per month. The amount payable with respect to the disability would be $3600 \times 12 \times 17 =$

Rs.7,34,400/-. The Tribunal had allowed Rs.10,000/- for pain and suffering Rs.6,000/- had been allowed for special diet and Rs.1,000/- for transportation and Rs.3,200/- for actual expenses. I would make the following additions:-

Sr. No.	Head of Compensation	Amount
1.	Disability	Rs.7,34,400/-
2.	Transportation charges	Rs.5,000/-
3.	Attendant Charges	Rs.7,500/-
4.	Special Diet	Rs.7,500/-
5.	Future Medical Expenses	Rs.25,000/-
6.	Pain & Suffering	Rs.1,00,000/-
7.	Loss of Amenities	Rs.1,00,000/-
	TOTAL	Rs.9,79,000/-

The Tribunal had allowed Rs.3,87,400/-, which would be deducted and the remaining amount would be payable with interest @ 6% from filing of appeal till realization.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

September 29, 2017
sunil

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