

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

FAO No.2048 of 2011

Date of Decision.27.10.2017

Jagdish son of Shri Ram Kishan

.....Appellant

Vs

Mahender Singh and another

.....Respondents

Present: Mr. Anshuman Dalal, Advocate  
for the appellant.

Mr. Rajat Garg, Advocate for  
Mr. T.K. Joshi, Advocate  
for the insurance company.

**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 vehicular accident that took place on 17.12.2008. The injured-claimant was going on motor cycle bearing registration No.HR-12F-6972 and when he reached to Jind road, a car bearing registration No.DL9CG-2269 coming from Lakhanmajra side and driven by respondent No.1 rashly and negligently, struck against the motor cycle of the claimant, resulting into multiple grievous injuries. He was taken to PGIMER Rohtak from where he was referred to Base Hospital and remained admitted there from December 2008 to July 2009. His right leg was amputated and the disability was assessed at 80%. He was stated to serving in Indian Army and drawing a salary of ₹18,250/- per month.

The Tribunal while assessing the compensation provided ₹50,000/- towards pain and suffering, ₹50,000/- on account of medical expenses, ₹50,000/- for loss of enjoyment of life and ₹12,00,000/- for loss of income. In all, a sum of ₹13,50,000/- has been provided along with

interest @7.5% per annum from the date of filing of the petition till realization.

Mr. Dalal, learned counsel appearing on behalf of the appellant submits that the Tribunal has grossly erred in deducting the amount of pension from the gross salary while assessing the loss of income and adopted a multiplier of 10 whereas it should have been 14. It did not provide anything for special diet, transportation and attendant charges, much less, the amount assessed for pain and suffering is also on lower side, thus, urges this Court for enhancement of compensation by modifying the award passed by the Tribunal.

On the contrary, learned counsel appearing on behalf of the insurance company submits that the Tribunal has taken care of all the heads of claim sufficiently and there is no scope for further enhancement, thus, urges this Court for dismissing the appeal.

I have heard learned counsel for the parties and appraised the paper book. No doubt, the Tribunal has erred in deducting the amount of pension received by the claimant from the gross salary while assessing the loss of income and applied the multiplier of 10 whereas it should have been 14 for a person aged 44 years. Therefore, I will take the income of the deceased as ₹18,250/- per month and apply a multiplier of 14 to assess the loss of income qua 80% permanent disability as ₹24,52,800/-. I will further provide ₹10,000/- each for special diet, transportation and attendant charges. I will retain the amounts provided by the Tribunal for pain and suffering, loss of enjoyment of life and medical expenses to the tune of ₹50,000/- each.

In all, the compensation payable shall be ₹26,32,800/-. The

amount in excess over what has already been provided by the Tribunal 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 provided by the Tribunal.

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

**(AMIT RAWAL)**  
**JUDGE**

**October 27, 2017**  
Pankaj\*

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|---------------------------|-----|
| Whether reasoned/speaking | Yes |
| Whether reportable        | No  |