

In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 4991 of 2011 (O&M)

Date of Decision: 06.10.2017

Sohan Singh

.....Appellant

Versus

Pepsu Road Transport Corporation and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. K.S.Chahal, Advocate
for the appellant.

Mr. Ankit Aggarwal, Advocate with
Mr. Anupam Singla, Advocate
for respondent No. 1.

Respondent No. 2 *ex parte*.

ANITA CHAUDHRY, J

CM-18920-CII-2011

Application is allowed for the reasons stated therein.

Delay of 25 days in refiling the appeal is condoned.

CM-18921-CII-2011

Application is allowed for the reasons stated therein.

Delay of 26 days in filing the appeal is condoned.

FAO-4991-2011

This is the claimant's appeal seeking enhancement in the award dated 1.12.2010 passed by the Motor Accident Claims Tribunal, Sangrur.

Sohan Singh met with an accident on 5.8.2008. He was 62 years old at the time of the accident. His left leg above the knee had to be amputated. It was claimed that he was a driver. The Tribunal noted that the

injured had remained in the hospital for 12 days and that there was a
Gurpreet Singh Bhatia
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disability to the extent of 70%. The Tribunal allowed Rs. 29,960/- as the actual amount spent on the purchase of medicines/treatment. Rs. 25,000/- was allowed for pain and suffering and Rs. 2,000/- was allowed for every percentage of disability and Rs. 50,000/- was allowed for loss of amenities. Thus, total compensation of Rs. 2,44,960/- was allowed which was to be paid by the respondents.

Records had been summoned.

Counsel for the appellant contends that the amount allowed to the claimant was on the lower side and his entire life had been shattered and with the amputation of leg he was unable to drive the vehicle and had to sell his truck. It was urged that the Court should have applied the multiplier method to assess the loss and it was 100% disability. Counsel further submits that all the bills could not have been retained and only the bills which were produced were allowed to him. Counsel further contends that the claimant was entitled to compensation for the attendant, special diet and transportation.

Counsel appearing for PRTC urges that though, it was claimed that the injured was a driver but no evidence was led to prove his income. It was urged that in the claim petition he has mentioned that he was a transporter and that would mean that he was not driving himself and was otherwise managing the business which he could do even otherwise. It was urged that the admission in the hospital was for 12 days and the amount spent on the medicines had been allowed.

The claimant had pleaded that he was earning Rs. 8,000/- per month and was a driver and a transporter. Though, he did not lead any evidence but examined Nahar Singh who produced the registration

certificate of the truck which shows that it was earlier owned by the claimant. The truck was sold in February 2009. Nahar Singh had stated that he was earning Rs. 5,000/- by plying the truck.

No evidence has come with respect to the income. Nahar Singh had stated that he was earning Rs. 5,000/- per month from the truck, therefore, it would be appropriate to take the income of the claimant to be Rs. 5,000/- per month. The disability can be taken to the extent of 70% and the amount of loss would be Rs. 3500/- per month and the compensation for the disability would come to Rs. 3500/- x 12 x 7 = 2,94,000/-. The amount, therefore, payable to the claimant would be as under:-

Sr. No.	Head of Compensation	Amount
1.	Disability	Rs. 2,94,000/-
2.	Pain and suffering	Rs. 1,00,000/-
3.	Attendant charges (3000 x 6)	Rs. 18,000/-
4.	Special diet	Rs. 15,000/-
5.	Loss of amenities	Rs. 1,00,000/-
6.	Actual amount spent on the medicines	Rs. 29,960/-
7.	Transportation	Rs. 10,000/-
	TOTAL	Rs. 5,66,960/-

The Tribunal had allowed Rs. 2,44,960/- which would be deducted and the balance amount i.e. Rs. 3,22,000/- would be paid by the insurance company with interest @ 6% from the date of filing of the appeal till realization.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

October 06, 2017
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No