

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

FAO No. 5315 of 2011 (O&M)
Date of Decision: December 15, 2017

Ajit Singh

...Appellant

Versus

Nirmal Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. N.S. Swaich, Advocate
for the appellant.

Mr. Suvir Dewan, Advocate
for respondent no.3-insurance company.

ANITA CHAUDHRY, J.

This is the claimant's appeal seeking enhancement in the award dated 22.01.2011, passed by the Motor Accident Claims Tribunal, Fatehgarh Sahib (here-in-after referred to as the Tribunal).

Ajit Singh was injured in an accident which occurred on 13.07.2006. He suffered a hip fracture and a disability of 70%. He was stated to be a Granthi and his income was stated to be Rs.15,000/- per month but the Tribunal did not assess the income nor applied the multiplier method and allowed the actual medical expenses of Rs.2,63,000/- and Rs.50,000/- for pain and agony, Rs.2,000/- for every percentage of disability i.e. Rs. 1,40,000/-. A total claim of Rs.4,53,000/- was allowed.

The submission on behalf of the appellant is that on account of the disability, the claimant has become totally disabled as he is unable to sit down or squat and he was rendering services of a Granthi. The counsel also submits that the claimant was earning Rs.50,000/- per month and the Tribunal had failed to award any amount for the attendant, special diet or for transportation.

The submission on the other hand is that there is no evidence with respect to the income and had the Granthi being receiving the salary of Rs.50,000/- then it would have been entered in the Gurudwara records or there would have been some record to show the income.

On perusal of the statement, I find that in the affidavit tendered by Karamjit Singh, the income is stated to be Rs.20,000/- per month but Ajit Singh in the cross-examination had stated that he was getting a salary of Rs.2,000/- per month and he had studied up to 5th standard.

The accident had taken place in 2006. The minimum wages in that year were over Rs.2,600/- per month. Therefore, I would take the income at Rs.5,000/- and take the functional disability at 50%, the compensation would be Rs.2500 x 12 x 15 = Rs.4,50,000/-. Therefore, the amount payable would be as under:-

Sr. No.	Head of Compensation	Amount
1.	Disability	Rs.4,50,000/-
2.	Actual expenses on treatment and medicine	Rs.2,63,000/-

3.	Pain and suffering	Rs.50,000/-
4.	Attendant charges (Rs.2500 x 4)	Rs.10,000/-
5.	Special diet	Rs.5,000/-
6.	Transportation	Rs.5,000/-

The total of this comes to Rs.7,83,000/-. The Tribunal had allowed Rs.4,53,000/-, which would be deducted and the remaining amount would be payable with interest @ 6% as directed by the Tribunal from the date of filing of appeal.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

December 15, 2017

sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No