

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

FAO No.133 of 2012

Date of Decision: 04.08.2017

Dharam Pal

...Appellant(s)

Versus

Joginder Wassia and others

... Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: None for the appellant.

Mr. Vinod Chaudhri, Advocate
for respondent No.3.

ANITA CHAUDHRY, J.

This is an appeal filed by the claimants seeking enhancement.

No one has appeared for the appellant today. There was no appearance even on the last date of hearing. Instead of dismissing the same, it would be appropriate to dispose of the matter.

Dharam Pal was 44 years old when he met with an accident on 20.01.2007. He suffered a permanent disability and it led to amputation of the great toe. The details of the injury are noted in the Para 15 of the judgment.

The Tribunal held that the injured was a labourer and took his income to be Rs.2500/- per month and instead of finding the

functional disability, took the entire disability at 40% and found the loss of Rs.1,000/- per month and applied the multiplier of 15. The medical bills to the tune of Rs.7,098/- were placed on record. The Tribunal allowed Rs.20,000/- which included the amount spent on purchase of medicines, special diet, transportation and attendant charges and Rs.30,000/- was allowed for pain and suffering and an award of Rs.2,30,000/- was passed.

The submission on behalf of the Insurance Company is that the higher multiplier has been used and it should have been 14 and the claimant had been adequately compensated and if any amount is to be added, it can be for pain and suffering.

The minimum wages in January 2007 were Rs.2,553/-. The Tribunal had taken the income to be Rs.2,500/-. Even if the income is taken as Rs.2,553/- and the calculations are made by taking 40% of this amount, the loss would be Rs.1,021/- and the annual loss would come to Rs.12,251/- and applying the multiplier of 14, considering the age, the amount would be Rs.1,71,528/-. The Tribunal has failed to award compensation on all the heads and are, therefore, supposed to award compensation on all the heads separately and the compensation would be as under:-

1	Disability	Rs.1,71,528/-
2	Pain and suffering	Rs.50,000/-
3	Special diet	Rs.10,000/-
4	Transportation	Rs.5,000/-
5	Attendant charges	Rs.2500x3=Rs.7500
6	Litigation expenses	Rs.5,000/-

The total comes to Rs.2,49,028/-. The Tribunal had allowed Rs.2,30,000/- which would be deducted. The balance amount would be paid with interest @ 6% from February 2012.

Accordingly, the appeal is partly allowed.

August 04, 2017
ps-l

(ANITA CHAUDHRY)
JUDGE

Whether Reasoned/Speaking
Whether Reportable

Yes/No
Yes/No