

**In the High Court of Punjab and Haryana at Chandigarh**

**F.A.O No. 10479 of 2014 (O&M)**  
**Date of Decision: 26.4.2017**

Sher Singh

.....Appellant

Versus

Anil Attwal and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

Present: Mr. Vikram Bali, Advocate  
for the appellant.

Mr. Dharampal Gupta, Advocate  
for respondent No. 2.

Ms. Vandana Malhotra, Advocate  
for respondent No. 3.

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**ANITA CHAUDHRY, J**

**CM-28841-CII-2014**

Application is allowed for the reasons stated therein.

Delay of 119 days in filing the appeal is condoned.

**FAO-10479-2014**

The appellant was injured in an accident which occurred on 19.9.2011 and both his legs were fractured. He was a Store Keeper in a Tile Factory. He along with other employees were going to supply the tiles in a Canter. The tyre of the canter got punctured. He and the other employees were changing the tyre when a speedy car came and struck against him leading to the fractures. The Medical Board assessed the disability at 40%. The injured underwent three surgeries. It was claimed

of Rs. 74,000/- were produced and the Tribunal had awarded following compensation:-

|                                                         | <b><i>In Rs.</i></b>     |
|---------------------------------------------------------|--------------------------|
| <i>For the medical bills and his visits to hospital</i> | <i>1,00,000/-</i>        |
| <i>Pain and suffering</i>                               | <i>30,000/-</i>          |
| <i>Attendant charges</i>                                | <i>10,000/-</i>          |
| <i>Special diet</i>                                     | <i>5,000/-</i>           |
| <i>Transportation</i>                                   | <i>5,000/-</i>           |
| <i>Future amenities and future prospects</i>            | <i>80,000/-</i>          |
| <i>Loss of income</i>                                   | <i>10,000/-</i>          |
| <b><i>Total</i></b>                                     | <b><i>2,40,000/-</i></b> |

The submission on behalf of the appellant was that the multiplier method should have been applied to calculate the loss and the claimant was entitled to increase on all the heads. It was urged that it was difficult to retain all the bills and an increase towards future prospects should also be added.

The submission on the other hand was that the Tribunal had granted adequate amount and there is no evidence to show the income the appellant was earning and though the expenses of Rs. 74,000/- only could be shown but the Tribunal had increased the same by making addition of Rs. 25,000/-.

The appellant failed to lead evidence to prove his income. The minimum wages in September 2011 were around Rs. 5,000/- per month. The medical officers had assessed the disability at 40% which was of the whole body and, therefore, the functional disability can be taken at 25% and the compensation would come to Rs.  $1250 \times 12 \times 17 = 2,55,000/-$ . The Tribunal had awarded Rs. 80,000/- which would be deducted and the balance payable would be Rs. 1,75,000/-. I would allow Rs. 20,000/- more for physiotherapy and Rs. 5,000/- more for special diet raising the total to

Rs. 2,00,000/-. The appellant is entitled to sum of Rs. 2,00,000/- with interest @ 6% from the date of filing of the appeal till realization.

The appeal is partly allowed.

**(ANITA CHAUDHRY)**  
**JUDGE**

**April 26, 2017**  
Gurpreet

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