

In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 3296 of 2013 (O&M)
Date of Decision: 30.1.2017

Jagdev Singh

.....Appellant

Versus

Baljit Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Jaideep Verma, Advocate
for the appellant.

Mr. S.K.Dhanda, Advocate
for respondent No. 2.

Mr. Sanjeev Kodan, Advocate
for respondent No. 3.

None for respondents No. 1 and 4.

ANITA CHAUDHRY, J

This is the claimant's appeal seeking enhancement of compensation awarded to him by the Motor Accident Claims Tribunal, Ludhiana. Vide award dated 2.11.2012, compensation of Rs. 50,384/- was allowed. The appellant along with Mahan Singh had filed a claim petition seeking compensation for the injuries received by them in an accident which took place on 27.4.2008. The appellant had pleaded that he was unable to do agricultural work and was not able to drive the tractor because of the injuries. His plea was that there was a fracture and plates and nails were inserted though there was no disability. The Tribunal noted that there was hospitalization for about 9/10 days and bills to the tune of Rs. 40,840/- had

been placed on record. It allowed Rs. 50,384/- as compensation to claimant No. 1.

The contention raised on behalf of the appellant is that on account of the fracture he was not able to drive the tractor and no amount had been awarded for pain and suffering, transportation, special diet or loss of income. It was urged that the Tribunal had not even ascertained the income. It was urged that the claimant had stated in his affidavit that he was earning Rs. 15,000/- per month and a fracture takes three to four months to heal and some amount should have been allowed for loss of income.

The submission on the other hand was that there was no evidence with regard to the income and the hospitalization is only for few days and the driving licence had not been produced.

The records have been examined. I find that except the bare submission of the claimant no evidence was led with respect to the income. The claimant did not produce his driving licence nor did he produce documents to show that he owned any agricultural land. The claimant could not show that he was earning Rs. 15,000/- per month. He was not having any bank account and at the most the minimum wages of that year could be taken as his income. The minimum wages in Punjab in 2008 were 2620/- per month. There would be loss of income for at least three months. The loss towards income can be taken to be Rs. 2620/- x 3 = 7860/-.

On perusal of the record I find that the bills which had been proved were taken into account. It could be that some bills were not kept and some amount should be added for the amount spent on medicines which can be taken at Rs. 15,000/-.

I would award Rs. 20,000/- for pain and suffering, Rs. 3,000/-

for transportation and Rs. 5,000/- for special diet and the total addition would come to Rs. 20,000/- + 3,000/- + 5,000/- + 7,860/- + 15,000/- = 50,860/-. An addition of Rs. 50,860/- is allowed over and above the amount allowed by the Tribunal and it would bear the same rate of interest as ordered by the Tribunal and it shall be payable from the date of filing of the present appeal till its realization.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

January 30, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No