

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

**FAO No.4218 of 2013 (O&M)
Date of Decision: 11.10.2017**

Amar Singh

...Appellant(s)

Versus

Mehar Singh and others

... Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

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

Mr. Pradeep Kumar, Advocate
for respondent No.3.

ANITA CHAUDHRY, J.

This is the claimants appeal for enhancement of the award dated 01.06.2013 passed by the Motor Accident Claims Tribunal, Narnaul.

Amar Singh met with an accident on 26.02.2012. He was stated to be a vegetable seller. It was claimed that he was a hawker and earned Rs.10,000/- per month by selling vegetables. His right hand was amputated which led to disability of 70%. The Tribunal did not assess the income and allowed a consolidated amount of Rs.2,75,000/- which included Rs.23,954/- spent on the purchase of medicines and treatment.

The counsel for the appellant contends that the appellant was 52 years old and was a vegetable seller and he had pleaded that he was earning Rs.10,000/- per month and the Tribunal failed to assess the income and did not use the multiplier method to calculate

the compensation and no amount has been allowed separately for the attendant or for charges, pain and suffering, special diet and future prospects.

Record has been perused. The appellant is 52 years old. He did not led any evidence with respect to his income, therefore, the minimum wages of 2012 would be considered for calculating the loss. The minimum wages stood at Rs.4,847/- The disability was to the extent of 70% and the loss per month would be of Rs.3,392.90/- per month and the compensation would come to Rs.3,392.90x12x11=Rs.4,47,862/- (rounded), therefore, the amount that would be payable would be as follows:

1	Amount for the disability	Rs.4,47,862/-
2	Actual medical expenses	Rs.23,954/-
3	Special diet	Rs.7,500/-
4	Attendant charges (Rs.3000x3)	Rs.9000/-
5	Pain and suffering	Rs.1,00,000/-
6	Transportation	Rs.5,000/-
Total		Rs.5,93,316/-

The Tribunal had allowed Rs.2,75,000/- which would be deducted and the remaining amount would be paid by the Insurance Company with interest @ 6% per annum from the date of filing of the appeal till payment.

Award is modified. The appeal is partly allowed.

October 11, 2017

ps-l

Whether Reasoned/Speaking

Whether Reportable

(ANITA CHAUDHRY)

JUDGE

Yes/No

Yes/No