

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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FAO No.2881 of 2015
Decided on : 09.11.2017*Sandeep Kumar Verma**... Appellant**Versus**Parmanand and others**.. Respondents***CORAM : HON'BLE MR.JUSTICE AVNEESH JHINGAN**

Present : Ms.Amandeep Kaur, Advocate for
Mr.Ashwani Arora, Advocate for the appellant.
Mr.B.S.Brar, Advocate for respondent No.1.
Mr.M.B.Jain, Advocate for the Insurance Company.

Avneesh Jhingan, J. (Oral)

The present appeal has been filed for enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Chandigarh (for short, 'the Tribunal').

A claim petition was filed under Section 166 of the Motor Vehicles Act (for short, 'the Act') by Sandeep Kumar Verma, aged 27 years as he had suffered injuries in a motor vehicular accident which occurred on 16.3.2013. He was the pillion rider of motorcycle bearing registration No.HR03-M-5088. The said motorcycle was driven in a rash and negligent manner by respondent No.1, Parmanand. It struck against the unknown motorcycle. As a result of which, he suffered fracture on his right leg.

Claim petition was filed under the Act and the Tribunal awarded a sum of Rs.45,270/- along with interest at the rate of 6% per annum. The said amount includes Rs.2000/- as litigation expenses.

Learned counsel for the appellant argues that the amount awarded by the Tribunal is very meager. The appellant suffered 15% permanent disability qua whole body. He suffered *supracondyler* fracture right femur with fracture right proximal tibia with stiffness and pain, right knee. Disability certificate was produced as Exhibit PW-2/A and Dr.Ravi Kumar Preenja deposed as PW-2 to prove the disability certificate. She further stated that amount has not been awarded for transportation and attendant. It is contended that appellant was hospitalized for 14 days. This aspect has not been considered by the Tribunal.

On the other hand, learned counsel for the Insurance company argues that the occupation of the appellant was not proved before the Tribunal. It has not come on record that what is the functional disability and loss of income because of this 15% permanent disability. The fact remains that what was the occupation of the appellant was not proved. In absence of such positive evidence, it would be very difficult to determine that how this 15% permanent disability has affected the day-today working of the appellant.

In such circumstances, it would not be possible to apply multiplier method but it would not be fair to the appellant that no amount is awarded for permanent disability. A Division Bench of this Court in Piara Singh and others Vs. Satpal Kumar and others, 2006 (4) RCR (C) 546 had multiplied the percentage of disability with Rs.2000/- for each percent.

Following the above decision, in the present case, Rs.30,000/- awarded under the head of permanent disability. The

appellant had suffered fracture in right leg and his movement was also restricted. It is claimed that he was hospitalized for 14 days. All these facts ensure that he needed an attendant during the period of hospitalization and thereafter also.

Further with the restricted movement, transportation must have been required for the treatment and even thereafter also. He may not be in a position to drive two-wheeler etc.

In such circumstances, the amount of Rs.10,000/- is awarded for transportation and Rs.10,000/- for the attendant.

The award dated 15.1.2015 is modified to the extent that the amount of Rs.45,270/- awarded by the Tribunal is enhanced to Rs.95,270/-.

The claimant shall be entitled to enhanced amount along with interest at the rate of 6% from the date of filing of the claim petition till its realization.

Petition stands partly allowed with the above modification.

09.11.2017
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[**Avneesh Jhingan**]
Judge

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No