

In the High Court of Punjab and Haryana at Chandigarh

FAO- 5820 of 2016

Date of Decision:27.11.2017

Nirmal Singh

---Appellant

vs.

Kuldeep Singh and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Arvind Kashyap, Advocate
for the appellant

Rekha Mittal, J.

The injured-claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 9.5.2013.

The sole submission made by counsel for the appellant is that the injured suffered permanent disability to the extent of 25% but the Motor Accidents Claims Tribunal, Fatehgarh Sahib (in short “the Tribunal”) assessed loss of future income at the rate of 10%. It is argued that as the Tribunal has assessed income of the injured by treating him as a labour, future loss of income is liable to be assessed @ 25%, equal to extent of disability suffered by him.

I have heard counsel for the appellant, perused the paper book

particularly the award dated 18.5.2016 passed by the Tribunal.

Dr. Piyush Setia PW1 was examined to substantiate plea of the claimant with regard to disability suffered on account of injuries sustained in the occurrence. He produced disability certificate Ex. P-103 whereby claimant is stated to have suffered permanent disability to the extent of 25%. Dr. Piyush Setia admitted in cross examination that disability is not qua the whole body. The Tribunal on the basis of its guess work, assessed functional disability to the tune of 10% for computing loss of future income. The claimant was 50 years old at the time of occurrence. There is no clear evidence available on record with regard to his avocation and income. Under the circumstances, loss of future income qua functional disability to the extent of 10% by assessing income of the injured at Rs. 7000/- per month cannot be faulted with nor warrants enhancement.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

27.11.2017

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Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No