

In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 1378 of 2017 (O&M)
Date of Decision: 28.2.2017

Oriental Insurance Company Ltd.

.....Appellant

Versus

Varinder Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Lalit Garg, Advocate
for the appellant.

Mr. Yadvinder Pal, Advocate
for the respondents.

ANITA CHAUDHRY, J

This is the appeal by the insurance company challenging the award passed by the Motor Accident Claims Tribunal, Mohali.

I have heard both the counsel at great length.

The main ground of challenge is the amount awarded for the disability suffered by the claimant.

Counsel for the appellant contends that there was no loss of income and, therefore, the multiplier method used to calculate the amount should be set aside. It was urged that the claimant had suffered a fracture and it would not occasion any loss for the income.

The claimant was 26 years old when he met with an accident. He is an agriculturist. He had suffered a closed fracture SCF on the left side and head injury. The medical officer PW-3 had assessed the disability at 25% but the functional disability was taken at 15% and considering the

income to be Rs. 6,000/- (as that of a labourer), the loss was taken at Rs. 900/- per month and after applying the multiplier of 17, the annual dependency was taken at Rs. 10,800/- and the total loss was assessed at Rs. 1,83,600/-. The Tribunal had allowed the following compensation to the claimant:-

1.	Actual amount of bills	Rs. 1,90,193/-
2.	Loss of earnings, on account of disability	Rs. 1,83,600/-
3.	Attendant charges, special diet, extra nourishment, pain and sufferings.	Rs. 60,000/-
4.	Transportation charges	Rs. 10,000/-
	Total	Rs. 4,43,793/-

Some of the bills were found to be incomplete or advance bills which were not considered.

I do not find any infirmity in the award. The multiplier method had to be applied to find the loss. Since the injury was on the leg and nail had to be inserted, it would result in discomfort and would also affect his vocation. The functional disability could not be less than 15%.

There is no merit in the appeal.

The appeal is dismissed in limine.

(ANITA CHAUDHRY)
JUDGE

February 28, 2017
Gurpreet

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