

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

203

XOBJC-28-CII-1992 in/and
FAO-982-1991 (O&M)

Date of decision: 29.10.2018

MAMAN CHAND

... Appellant

Versus

RAJINDER AND ANOTHER

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Mohit, Advocate for
Mr. R.A. Sheoran, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained by him in a motor vehicular accident that took place on 30.07.1990.

The Tribunal has awarded compensation of Rs.77,900/-, detailed hereunder:-

1. Future loss of income	Rs.57,900/-
2. Mental agony and pain	Rs.10,000/-
3. Expenses on treatment	Rs.10,000/-

Counsel for the appellant would state that despite his best efforts, he did not get any response from his client and has expressed his inability to ensure presence of the injured, in terms of order dated 22.05.2018 passed by this Court.

Counsel would urge that the Tribunal has assessed future loss of income by applying multiplier of 16 but the same should be 18 as the injured was 22 years old at the relevant time. He may be allowed benefit of addition in income for future prospects at an appropriate rate. Claimant is entitle to more compensation for pain and mental agony and loss of amenities of life etc.

Perusal of para 11 of the award would reveal that plea of the claimant that he was working as a mechanic of Eicher Tractor prior to the accident has been accepted and his income is assessed at Rs.900/- per

month. The claimant has suffered amputation of his leg and the Tribunal has assessed loss of future income by considering loss of income to the extent of 33% and applied multiplier of 16 to compute Rs.57,900/- under this head. As the injured was less than 25 years of age, admissible multiplier for computing loss of future income would be 18. In this manner, loss of future income is assessed at Rs.64,800/- (3600 x 18). Claimant shall be entitle to additional sum of Rs.20,000/- for loss of amenities of life. Compensation allowed by the Tribunal for pain and mental agony as well as treatment is affirmed. In this manner, additional amount is Rs.26,900/-, payable with interest @ 7.5% per annum from the date of petition till realization. All other terms and conditions of the award shall remain intact.

Disposed of accordingly.

29.10.2018

ashok

(REKHA MITTAL)
JUDGE

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