

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

FAO-797-1999 (O&M)
Date of decision: 28.02.2018

INDER SINGH ... Appellant

Versus

BIRBAL AND ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Kulwant Singh, Advocate
for the appellant.

Mr. Suman Jain, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

The injured victim is in appeal seeking enhancement of compensation on account of injuries sustained by him in a motor vehicular accident that took place on 06.11.1995.

The Tribunal has awarded compensation of Rs.1,80,000/-,
detailed hereunder:-

1. Medical treatment	Rs.50,000/-
2. Pain and suffering	Rs.50,000/-
3. Special diet and transportation	Rs.10,000/-
4. Disability	Rs.50,000/-
5. Services of an attendant and loss of income	Rs.20,000/-

Counsel for the appellant would urge that as the injured suffered disability to the extent of 35%, proved by Dr. J.S. Bhatia PW1

compensation qua disability to the extent of Rs.50,000/- is liable to be enhanced. Another submission made by counsel is that compensation awarded under other heads is on lower side.

Counsel representing the insurance company has supported assessment made by the Tribunal with the plea that the occurrence pertains to the year 1995 and compensation has been allowed on the basis of price index at the relevant time.

I have heard counsel for the parties, perused the paper book particularly the award and findings recorded on issue No.5 pertaining to claim of Inder Singh on account of injuries sustained by him.

Dr. J.S. Bhatia PW1 had deposed that disability of Inder Singh was assessed at 35% with fracture of pelvis bone with left side, injury of urethra with shortening. He proved disability certificate Ex.P2. There is no clear evidence adduced by the claimant with regard to his avocation and income at the time of accident. There is no medical opinion as to what would be the functional disability on account of sustaining 35% disability of a particular limb when examined in the context of avocation of the injured victim. The Tribunal has assessed compensation of Rs.50,000/- qua disability. The minimum wage at the relevant time was Rs.1340/- per month. Under the circumstances, even if loss of future income is assessed by applying multiplier method and taking functional disability to the extent of 15%, compensation for loss of earning can not be more than Rs.50,000/- allowed by the Tribunal. That being so, contention of the appellant for

awarding more compensation qua disability is not meritorious and accordingly rejected. However, as the injured has suffered disability of permanent nature to the extent of 35%, interest of justice would be served if he is paid additional sum of Rs.15,000/- for loss of amenities of life. The additional amount shall be payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

28.02.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No