

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No.304 of 2001
Date of Decision:23.01.2018

Tarlochan Singh

...Appellant

Versus

Arjan Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.H.K.Aurora, Advocate for the appellant.
Mr.Prashant Gupta, Advocate for respondent No.3.

ANIL KSHETARPAL, J. (ORAL)

Appellant-claimant is in the appeal for enhancement of compensation against the award dated 28.3.2000 passed by the learned Motor Accident Claims Tribunal, Hoshiarpur (‘the Tribunal’)

It is not disputed that the appellant suffered injuries on his right leg in a motor accident, which resulted into shortening of his right leg by one inch. The doctor has assessed permanent disability to the extent of 40%. The appellant has been operated upon on five different occasions. He has remained admitted in hospitals for quite long. The Tribunal has awarded a total sum of Rs.70,000/- under the following heads:-

Sr.No.	Heads	Amount (Rs.)
1	Permanent Disability	25,000/-
2	Pain and suffering	25,000/-
3	Special Diet	10,000/-
4	Conveyance Charges	5,000/-
5	Medical expenses	5,000/-

Learned counsel for the appellant has submitted that the learned

Tribunal has not awarded any amount towards loss of income during hospitalisation as also future loss of income. He has further submitted that the learned Tribunal has only awarded a sum of Rs.25,000/- on account of permanent disability, whereas the learned Tribunal ought to have awarded the compensation of Rs.2000/- per percentage for permanent disability, which comes to Rs.80,000/-.

On the other hand, learned counsel for the Insurance company has supported the award and submitted that the learned Tribunal, while awarding the compensation, should keep in mind the fact that the accident took place more than 22 years ago.

This Court has considered the submissions of the learned counsel for the parties and with their able assistance has gone through the impugned award passed by the learned Tribunal.

It is a case where a young man of 29 years has suffered injuries in a motor accident, resulting in shortening of his right leg by one inch. He has a long life ahead. The doctor has assessed permanent disability to the extent of 40%.

Taking into consideration these facts, the award passed by the Tribunal stands modified. The compensation towards permanent disability is assessed at Rs.80,000/-(2000x40). The income of the injured was assessed at Rs.3500/- per month. The loss of annual future income can be assessed at Rs.16,800/- (3500x40%x12). Since the age of the injured was 29 years at the time of accident, the multiplier of 17 is to be applied. In this way, an amount of Rs.2,85,600/- (16,800x17) is assessed towards future loss of income. The compensation awarded by the learned Tribunal under

the other heads shall remain the same. Thus, the total enhanced compensation comes to Rs.3,40,600/- (Rs.80000-Rs.25,000+Rs.2,85,600).

Claimants shall also be entitled for interest @ 7.5% per annum on the modified amount from the date of filing of petition till realization.

With the above modification in the impugned award dated 28.3.2000 passed by the learned Tribunal, the present appeal is allowed.

23.01.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No