

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

FAO No.2519 of 2004

Date of Decision: 30.05.2018

Tarsem Singh

. . . Appellant

Versus

Rajinder Kumar and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashok K. Sharma, Advocate
for the appellant.

Mr. Suvir Dewan, Advocate
For respondent No.3/Insurance Company.

Avneesh Jhingan, J. (Oral)

The present appeal has been filed against award dated 17.12.2003 passed by Motor Accidents Claims Tribunal, Chandigarh (for short 'the Tribunal').

The record of this appeal was burnt and from the salvaged record of the partially burnt cases, the same was reconstructed subject to all just exceptions and further verification.

Brief facts of the case are that on 01.01.1996, Ranjit Singh and Tarsem Singh (appellant) were going from Village Burail to Mohali in a Maruti Van bearing registration No.PB-04-A-1415. At about 06.00 p.m. near Milk Dairy of Narinder Pal, their car was struck by a Matador

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bearing registration No.CHB-1235 (hereinafter referred to as “the offending vehicle”). As a result of the accident, both Tarsem Singh and Ranjit Singh suffered serious injuries.

The claim petition was filed under Section 166 of the Motor Vehicle Act, 1988 (for short 'the Act').

The Tribunal held that the accident occurred due to rash and negligent driving of the offending vehicle and awarded a sum of ₹ 1,01,200/- as compensation to the appellant Tarsem Singh along with interest @ 9% per annum.

The present appeal has been filed for enhancement of compensation.

Learned counsel for the appellant contended that the appellant Tarsem Singh suffered multiple fractures on his leg and thigh. He was operated twice and remained hospitalized for 4 months. The appellant had suffered 20% permanent disability qua the right leg. The disability certificate was exhibited as Ex.PD. The grievance is that the Tribunal wrongly applied multiplier of 14 instead of 16. Further grievance is that the amount awarded under various heads are on the lower side.

Learned counsel for the Insurance Company argued that accident took place in the year 1996 and the amount awarded under the various heads needs no enhancement.

In view of the facts that the injured was hospitalized for 4 months, separate amount should have been awarded under medical expenses, special diet and conveyance, especially keeping in view the fact that his leg was fractured and he was operated upon, it ensures that he

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would have needed transportation during the period of treatment and thereafter also. During the period of hospitalization, an attendant would also have been required. The appellant was resident of Rampura Phul and got treatment at Chandigarh and also at Bathinda. This fact has to be considered while awarding amount for transportation charges. The Tribunal applied the multiplier method for awarding compensation for permanent disability. There is no dispute that the appellant was 35 years of age at the time of accident, therefore, the multiplier of 16 ought to have been applied.

For the reasons mentioned above, the compensation is recalculated as under:-

Head	Amount awarded by the Tribunal	Amount re-assessed in appeal
Loss of future prospects	₹ 67,200/- (4800x 14)	₹ 76,800/- (4800 x 16)
Pain and suffering	₹ 16,000/-	₹ 25,000/-
Medical expenses, Special diet, conveyance charges	₹ 10,000	₹ 30,000/- (₹ 20,000/- as medicine expenses + ₹ 5,000/- as Special diet + ₹ 5,000/- as conveyance charges)
Pecuniary loss	₹ 8,000/-	₹ 8000/-
Total	₹ 1,01,200/-	₹ 1,39,800/-

The net effect is that award dated 17.12.2003 is modified to the extent that the amount awarded by the Tribunal of ₹ 1,01,200/- is enhanced to ₹ 1,39,800/-

The appellant would be entitled to enhanced amount along with interest at the rate of 6% per annum from the date of filing the claim

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petition till realization of the amount.

The appeal is party allowed in the aforesaid terms.

[AVNEESH JHINGAN]
JUDGE

May 30, 2018
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Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No