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

FAO No.4136 of 2004 (O&M)

Date of Decision: 30.05.2018

Ranjit 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 (appellant) and Tarsem Singh 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 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.

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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 ₹ 2,06,000/- as compensation to the appellant Ranjit 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 Ranjit Singh suffered fractures of neck femur right side; fracture segmental shaft of femur right side; besides open fracture of both bones of the right leg; an open fracture lisfrancs (foot) and dislocation of 1st, 2nd and 3rd metatarsals (foot) were also suffered by the appellant. He was hospitalized for 4 months. The appellant was resident of Rampura Phul and was under treatment at Chandigarh and at Bathinda, this fact was not considered while awarding amount for transportation charges.

Learned counsel for the appellant further contended that the appellant suffered 40% disability qua the body. The disability certificate was produced as Ex.PA. The injuries were proved by Dr. Ishwinder Singh Sidhu, Junior Resident (Orthopedics), PGI, Chandigarh, PW-3. He further contended that the Tribunal has awarded a sum of ₹ 2,06,000/-, which includes ₹ 80,000/- for permanent disability, ₹ 70,000/- for pain and suffering, ₹ 26,000/- for medicine, and ₹ 12,000/- for transportation and special diet and ₹ 18,000/- for pecuniary loss of income.

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His grievance is that compensation has been awarded for loss of future income without applying multiplier method. Learned counsel for the appellant also contended that the amount awarded under various heads are on the lower side.

Learned counsel for the respondent No.3/Insurer resisted enhancement.

It is not disputed that the appellant suffered 40% permanent disability and was hospitalized for 4 months. The injuries were serious and included a fracture neck femur on the leg for which he was operated upon and a rod was inserted. In such circumstances, the compensation awarded by the Tribunal is on the lower side and needs to be enhanced .

So far as the loss of future earnings is concerned, keeping in view the minimum monthly wages prevalent at the time of accident, the earning of the injured is assessed as ₹ 2000/- per month and amount is awarded by applying a multiplier of 15.

The Tribunal awarded a sum of ₹ 26,000/- for medical expenses. The amount awarded is only reimbursement of actual bills produced. In such a long treatment, it cannot be expected that each and every penny was vouched for.

In view of the fact that the injured was hospitalized for 4 months, medical expenses, special diet and conveyance, especially keeping in view that his leg was fractured and he was operated upon are on lowerside. Nature of injury ensures that he would have needed transportation during the period of treatment and thereafter also. During the period of hospitalization, an attendant would have been required, it

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might have continued thereafter also for some period. The appellant is resident of Rampura Phul and got treatment at Chandigarh and also at Bathinda, this is an aspect required to be considered while awarding amount for transportation charges.

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 earnings	₹ 80,000/-	₹ 1,44,000/- (2000 x 40% = 800 x 12 x 15)
Pain and suffering	₹ 70,000/-	₹ 70,000/-
Medical expenses	₹ 26,000	₹ 35,000/-
Special diet and transportation/conveyance	₹ 12,000/-	₹ 20,000/-
Pecuniary loss	₹ 18,000/-	₹ 18,000/-
Future treatment	Nil	₹ 20,000/-
Total	₹ 2,06,200/-	₹ 3,07,000/-

The net effect is that award dated 17.12.2003 is modified to the extent that the amount awarded by the Tribunal of ₹ 2,06,200/- is enhanced to ₹ 3,07,000/-.

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 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