

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

101

FAO No. 2588 of 2009

Date of Decision: 14.08.2018

Suresh

...Appellant

Versus

Ajay @ Raju and others

....Respondents

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: None for the appellant.

Mr. Paul S.Saini, Advocate
for respondent No.3-insurance company.

B.S.WALIA, J (Oral).

1. Case has been called out twice but none has put in appearance on behalf of the appellant. Even on the past three dates, none appeared on behalf of the appellant. Despite intimation having been given by the Registry to counsel for the appellant of listing of the case for today in terms of order of this court dated 07.08.2018, telephonically as well as by email, none has appeared on behalf of the appellant. In the circumstances, I am not inclined to adjourn the case.

2. Claim is for enhancement of compensation on the ground that income of the deceased as well as compensation for medical expenses, attendant charges etc was not assessed properly, besides, multiplier of 17 had been wrongly applied.

3. Learned counsel for the respondent-insurance company submitted that the compensation awarded is as per evidence on record and

in accordance with Schedule-II to Section 163-A of the Motor Vehicles Act, 1988, therefore, no enhancement is warranted.

4. The learned Motor Accidents Claims Tribunal, Rohtak (hereinafter referred to as the Tribunal) assessed the income of the appellant at ₹2500/- per month and loss of income at ₹2100/- on account of 85% permanent disability. By applying multiplier of '17', compensation of ₹4,25,000/- plus ₹10,000/- on account of expenses incurred on treatment, as well as for attendant, transportation and special diet., total ₹4,35,000/- was awarded. In awarding the compensation, the Tribunal took into account that no evidence had been placed on the record to prove the running of STD Booth by the appellant, therefore in the circumstances assessed the income of the appellant as that of a labourer earning ₹2500/- per month and in view of permanent disability of 85% assessed the loss of income at ₹2100/- per month i.e. ₹25000/- per annum on account of injuries sustained in the accident. Further on account of age given in the discharge card / follow up card Ex.P22 as 36 years, applied multiplier of 17 and awarded compensation of ₹25000/ x 17 = ₹4,25,000/- plus ₹10,000/- on account of treatment, attendant charges, special diet etc, total ₹4,35,000/-.

5. Learned Counsel contended that in fact the multiplier of "17" applied by the learned Tribunal is on the higher side since the age of the appellant at the time of accident was taken as 36 years and as per Schedule-II to Section 163-A of the Act in case of person aged 36 years, multiplier of '16' is applicable. However, since the appellant belongs to the lower strata of society, besides the insurance company has not filed an appeal, therefore, taking into account all aspects of the matter including compensation on

account of treatment, attendant charges, special diet etc appears to be on the lower side, I do not propose to interfere with the multiplier applied by the learned MACT, Rohtak.

6. In the light of the position noted above, I do not find any circumstances warranting intervention with the award. However, since none has appeared on behalf of the appellant therefore, the appeal is dismissed in default.

(B.S.WALIA)
JUDGE

14.08.2018
sandeep

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