

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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IOIN-934-2007 in/and
FAO-934-2007 (O&M)
Date of Decision :7.8.2018

Satnam Singh

....Appellant

vs.

Joginder Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Anurag Chopra, Advocate
for the appellant.

Ms. Navin Kapur, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 7.8.2006 passed under Motor Accident Claims Tribunal, Ambala awarding compensation of Rs. 4,97,000/- on account of injuries sustained by the appellant in an accident.

The injuries suffered by the appellant were as follows :-

- 1.Bilateral fracture humerus shaft.
- 2.Fracture patella left.
- 3.Fracture tibia condyle left.
- 4.Fracture femur shaft left.

The compensation of Rs. 4,97,000/- awarded by the Tribunal was as follows :-

Permanent disability (55%)	:	2,00,000/-
Pain and suffering	:	25,000/-

Medical bills	:	42,000/-
Loss of future earnings	:	1,00,000/-
Expenses to be incurrent on future treatment	:	1,00,000/-
Transportation, rich died and attendant charges	:	30,000/-

Learned counsel for the appellant has argued that loss of future earnings be counted by multiplier method and could not have been awarded in lump sum basis.

Counsel for the respondent No.3 is not in a position to deny this.

As per the Schedule of Minimum Wages Act in Haryana, at the relevant time, the minimum wages would be Rs.3000/-. There is 55% disability and multiplier of 12 has to be taken (as specified by in the judgment of the Supreme Court in ***Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298***). The amount would come to Rs.97,600/- more, say Rs.1,00,000/-.

Counsel for the appellant has further argued that the amount paid under the heads of pain and suffering and transportation, diet and attendant charges are inadequate.

Counsel for the respondent however points out that under permanent disability there has been over payment of Rs. 90,000/-.

This point is well taken and consequently I reject for increase the amount on pain and suffering, transportation, rich diet and attendant charges and increase the compensation by Rs.1,00,000/- as mentioned above.

The management would be same as ordered by the Tribunal.

The appeal stands disposed of with the abovesaid modification.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

**7.8.2018
anuradha**

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No