

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

FAO No. 1092 of 2011

DATE OF DECISION : 15.01.2018

Krishan

.... APPELLANT

Versus

Naresh Kumar and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Sarvjit Singh Khurana, Advocate,  
for the appellant.

Mr. R.C. Gupta, Advocate, for  
Mr. Ravinder Arora, Advocate,  
for respondent No.3.

\* \* \*

**AVNEESH JHINGAN, J.** ( Oral )

The present appeal has been filed against the award dated 29.07.2010 passed by the Motor Accident Claims Tribunal, Rewari (for short, 'the Tribunal').

Krishan, aged 19 years, allegedly working as mason, met with a motor vehicular accident on 13.08.2008. The offending vehicle in the said accident was truck bearing registration No. HR-55B/8122.

In a claim petition filed under Section 166 of the Motor Vehicles Act, 1988, a sum of ₹ 3,07,356/- was awarded, which included the amount of ₹ 1,50,000/- for permanent disability. The right leg of the appellant was amputated below the knee.

Apart from the other grievances, the grievance raised by learned counsel for the appellant is that a lump sum amount of compensation has been awarded for disability, whereas the multiplier method should have been applied.

The contention raised by learned counsel for the appellant is supported by the decision of the Hon'ble Apex Court in **Raj Kumar Vs. Ajay Kumar and another, 2011 (1) SCC 343**, wherein it has been held that in case of permanent disability, multiplier method is the best method for awarding compensation. There is a factual aspect, which needs to be proved on record, i.e. what is the effect of permanent disability qua functional ability of the claimant. The Hon'ble Apex Court has held that percentage of permanent disability qua limb should not be taken for assessing loss of earning.

In such circumstances, the matter is remitted back to the Tribunal to decide the issue of enhancement of compensation afresh, after providing opportunity to both the parties to adduce evidence in support of their respective cases.

Both the parties are directed to appear before the Tribunal on February 19, 2018.

The appeal is, accordingly, disposed of.

**January 15, 2018**  
ndj

**( AVNEESH JHINGAN )**  
**JUDGE**

Whether speaking/reasoned      Yes/No

Whether Reportable              Yes/No