

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

FAO No. 3133 of 2012(O&M)

Date of decision: 16.4.2018

Ravi Singh

.....Appellant

VERSUS

Chandan Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ajaivir Singh, Advocate for the appellant.

Mr. D.R. Bansal, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The injured is in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Chandigarh (in short 'the Tribunal') on account of injuries sustained in a motor vehicular accident that took place on 20.02.2005.

The Tribunal has awarded compensation of Rs.1,01,263/- detailed hereunder:-

Medical expenses	Rs.48,763/-
Special diet, attendant charges and transportation	Rs.2,500/-
Permanent disability, pain and sufferings	Rs.50,000/-

Counsel for the appellant has prayed for enhancement of compensation by contending that claimant is entitled to future loss of income qua disability by applying multiplier method as he suffered

disability to the extent of 25% that includes shortening of one of the lower limbs to the extent of 4 inches. In addition, it is argued that claimant is entitled to compensation for loss of amenities of life, loss of matrimonial prospects and separate compensation for pain and sufferings.

Counsel representing the insurance company, on the other hand, would argue that as per plea of the claimant, he was working with Sohal Food and Beverages, Sector 35, Chandigarh at salary of Rs.2,850/- per month but there is nothing on record suggestive of the fact that even if he was working there, he has lost his job or suffered financial loss on account of disability. He has supported assessment of compensation with the plea that the claimant has been adequately compensated.

The claimant suffered fracture shaft femur left side and patella right side. Dr. Dhiraj Goel PW-3 from GMCH, Sector 32, Chandigarh would depose that patient was admitted on 21.02.2005, operated on 23.02.2005 and discharged on 26.02.2005. Disability certificate has been marked as Ex.P81 in the statement of Dr. Dhiraj Goel though he was not a member of the Medical Board that assessed disability and issued certificate Ex.P81. As per the disability certificate, injured was diagnosed as a operated case of fracture shaft of femur left with restriction of hip movements and shortening of 4 cms and fracture right patella with no restriction of knee movement, he was found permanently physically disabled by 25% with respect to left lower limb.

As per plea of the claimant, he was working with the aforesaid concern at salary of Rs.2,850/- per month. Perusal of the affidavit filed by the claimant by way of examination would reveal that he is conspicuously silent if he has lost his job with the said concern on account of sustaining

of injuries resulting in disability. However, it remains a fact that the claimant had suffered disability of 25% to a particular lower limb that included shortening by 4 inches. In the given scenario, an amount of Rs.50,000/- awarded by the Tribunal shall be appropriated towards compensation qua permanent disability at the rate of Rs.2,000/- per percent. Claimant is awarded an amount of Rs.50,000/- for loss of amenities of life and matrimonial prospects. He is awarded an amount of Rs.10,000/- for pain and sufferings.

The Tribunal has awarded an amount of Rs.48,763/- qua medical expenses based upon bills Ex.P4 to P37 and P46 to P80. The same is ordered to be affirmed. Taking into consideration the nature of injuries sustained coupled with the period of hospitalization for about 6 days, compensation qua special diet, attendant charges and transportation would be Rs.10,000/- (additional amount Rs.7,500/-).

In this manner, total compensation comes to Rs.1,68,763/- and additional amount is Rs.67,500/- (Rs.1,68,763/- - Rs.101,263/-) , payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

APRIL 16, 2018
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no