

In the High Court of Punjab and Haryana at Chandigarh

FAO No. 2041 of 2013
Date of Decision: 22.3.2018

Gurvinder Singh

---Appellant

versus

Randhir Singh and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Rahul Pathania, Advocate
for Mr. Rakesh Gupta, Advocate
for the appellant

None for the respondents

Rekha Mittal, J.

The victim is in appeal seeking enhancement of compensation on account of injuries sustained by him in a motor vehicular accident that took place on 19.2.2010.

The Motor Accidents Claims Tribunal, Patiala (in short “the Tribunal”) has awarded compensation of Rs. 3,93,741/-, detailed hereunder:-

Loss of income	Rs. 2,30,040(1065x12x18)
Medical expenses	Rs. 83,701/-
Pain and sfferings	Rs. 25,000/-
Special diet	Rs. 2,500/-
Transportation charges	Rs. 2,500/-
Future expenses	Rs. 50,000/-

Counsel for the appellant would argue that the claimant has been rendered disable to the extent of 90% qua right lower limb on account of shortening by three inches. The Tribunal has assessed his functional

disability at 30% by relying upon judgment of this Court **Smt. Sudha Rani vs. M/s Krishana Mills, 2011(1) PLR 557** and accordingly assessed loss of future income at Rs. 2,30,040/-. It is argued that the Tribunal has not allowed compensation for services of an attendant, loss of income during treatment and recovery, loss of amenities of life as well as matrimonial prospects and compensation awarded for pain and suffering, special diet and transportation charges is on lower side.

There is no representation on behalf of the respondents earlier being represented by a counsel.

Counsel for the appellant has not advanced any arguments justifying increase in compensation qua loss of future income and medical expenses and accordingly compensation under these heads is ordered to be affirmed.

The injured remained hospitalized w.e.f. 21.2.2010 to 24.3.2010, for a period over one month. Injuries sustained in the occurrence resulted in shortening of right lower limb by three inches. He must have taken some more time to recover from his medial condition even after discharge from the hospital. Under the circumstances, claimant shall be entitled to loss of income for a period of four months qua the period of treatment and recovery @ Rs. 3550/- per month and it comes to **Rs. 14,200/-** (3550 x4).

The Tribunal has awarded an amount of **Rs. 25,000/-** for pain and suffering and another sum of **Rs. 50,000/-** for future expenses and the same are affirmed. Compensation awarded by the Tribunal on special diet and transportation charges to the tune of Rs. 5000/- is enhanced to **Rs. 10,000/-**. The claimant shall be entitled to Rs. 7000/- for services of an

attendant. In addition, he is awarded an amount of **Rs. 1,00,000/-** for loss of amenities of life as well as matrimonial prospects. Total compensation is Rs. 5,19,941/-(2,30,040 +83701 +14200 + 50000 + 25000+ 10000+ 7000+ 100000) and the additional amount is Rs. 1,26,200/- (5,19,941-3,93,741), payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

22.3.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No