

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2431-2013

Date of decision: 22.05.2018

Ranjit Singh

...Appellant

V/s.

Mandeep Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Ms. Amandeep Kaur, Advocate for
Mr. Ashwani Arora, Advocate for the appellant.

Mr. R.N. Singal, Advocate for insurance co.

RITU BAHRI, J. (Oral).

The claimant has come up in appeal against the award dated 08.11.2012 passed by Motor Accident Claims Tribunal, SAS Nagar, Mohali (for short 'the Tribunal') whereby he has been awarded a compensation of Rs.44,436/- on account of suffering injuries (10% permanent disability of left foot) in a road accident that took place on 17.07.2009.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 17.07.2009, Ranjit Singh was coming from Ludhiana to Chandigarh in a bus bearing No. PB-23-C-5797, being driven by Mandeep Singh (respondent No. 1). When the bus reached near light points of Sector 57, Mohali, the bus stopped and the passengers started getting down. At that time, Ranjit Singh was also standing in the front door for getting down, while his one foot was on the step board of the bus and the other on the ground, the driver of the bus suddenly started the same and as a result of which, he fell down on the road and his left leg got crushed under the rear wheel of the bus.

Consequently, the claimant-appellant filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

The parties are not in dispute with regard to finding on issue No. 1 that the accident took place on account of rash and negligent driving by respondent No. 1. The claimant placed on record FIR Ex.P1, documents pertaining to his treatment Ex.P2, medical bills Ex.P3 to Ex.P6 and disability certificate Ex. P7.

The Tribunal has assessed the compensation as under:-

HEADS	CALCULATIONS
Age of the injured	22 years
10% Permanent disability (2000 per percentum)	20000/-
Future prospects	20000/-
Medical bills	4436/-
Total	44,436/-

Hence, the claimant was found entitled to total compensation of Rs.44,436/- on account of injuries suffered by the appellant along with interest @ 9% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

REASSESSED COMPENSATION

The fact of accident is admitted and proved. Finding of negligence has rightly been given by the Tribunal and it does not require any interference on that account. The claimant was 22 years of age and as per the disability certificate Ex.P7, he suffered 10% permanent disability of his left foot to the extent of 10%. To meet the ends of justice, the compensation is hereby reassessed in view of the judgments of this Court in

Raj Kumar V/s. Ajay Kumar and another 2011, ACJ 1 and United India

Insurance Company Ltd. V/s. Varun Aggarwal and others, FAO No. 146 of 2014 decided on 09.01.2014 as under:-

HEADS	CALCULATIONS
Income	Rs.3,500
40% future prospects	3,500+1,400=4,900
Compensation after multiplier of 18 applied	4,900 X 12 X 18=10,58,400
10% disability	10,58,400 X 10%=1,05,840
Medical expenses	4,436
Transportation, special diet and attendant	20,000
Marriage prospects	20,000
TOTAL COMPENSATION AWARDED	Rs. 1,50,276/-
ENHANCED AMOUNT OF COMPENSATION	Rs.1,50,276-44,436= Rs.1,05,840/-

The enhanced amount of compensation of **Rs.1,05,840/-** shall be payable within a period of two months from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in the case of “*Shri Nagar Mal and others V/s. The Oriental Insurance Company Ltd. and others in Civil Appeal No. 448 of 2018.*” Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is allowed.

May 22, 2018
Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No