

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

Date of decision: 09.03.2018

FAO No.1355 of 2015 (O&M)

United India Insurance Co. Ltd. ... Appellant

Versus

Beant Singh and others ... Respondents

FAO No.4473 of 2015 (O&M)

Beant Singh ... Appellant

Versus

Zorawar Singh and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Paul S. Saini, Advocate and
Mr. Vipul Sharma, Advocate
for the insurance company.

Mr. Vijay Lath, Advocate
for the claimant.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.1355 and 4473 of 2015 as these have emerged out of the same award dated 29.10.2014 passed by the Motor Accidents Claims Tribunal, Ropar whereby compensation has been awarded on account of injuries sustained by Beant Singh in a motor vehicular accident that took place on 24.10.2012.

FAO No.1355 of 2015 has been filed by the United India Insurance Company Ltd. (hereinafter to be referred as ‘insurance company’) whereas FAO No.4473 of 2015 has been filed by the claimant seeking enhancement of compensation.

Counsel for the insurance company would fairly inform that appeal has been preferred only to assail quantum of compensation assessed by the Tribunal.

The Tribunal has awarded compensation of Rs.20,13,574/-, detailed hereunder:-

1. Medical expenses	Rs.6,15,574.34
2. Loss of future income on account of disability of 100%	Rs.10,08,000/- (Rs.6000 x 12 x 14)
3. Pain and sufferings	Rs.70,000/-
4. Special diet	Rs.20,000/-
5. Attendant charges	Rs.1.5 lakh
6. Loss of amenities, expectation of life future medical charges and transportation expenses	Rs.1.5 lakh

Counsel representing the claimant would urge that as the victim has been rendered disable resulting in total loss of income, he is entitled to future loss of income with benefit of future prospects @25%. Compensation awarded by the Tribunal qua attendant charges needs enhancement as the victim would be requiring services of two persons round the clock till he lives. Amount of Rs.1.5 lakh towards loss of amenities, expectation of life, future medical charges and transportation expenses is on lower side and needs enhancement. He would pray that

claimant may be allowed future medical expenses and transportation expenses in addition to amount of Rs.1.5 lakh allowed under aforesaid heads.

Counsel representing the insurance company has assailed assessment of compensation primarily on two counts. It is argued that the Tribunal has awarded a sum of Rs.6,15,574.34 towards medical expenses but some of the bills/expenses have been reimbursed twice and accordingly liable to be corrected. Another submission made by counsel is that the amount of Rs.6,15,574.34 includes expenses of attendant charges approximately to the tune of Rs.75,000/- but again the claimant has been allowed another sum of Rs.1.5 lakh towards attendant charges.

I have heard counsel for the parties, perused the paper books and the records.

So far as plea of the claimant for allowing benefit of future prospects while computing loss of future income on account of disability rendering the victim bed ridden, plea of the claimant is meritorious and liable to be accepted. Counsel for the claimant has not challenged monthly income of the victim assessed @ Rs.6000/- per month with multiplier of 14 for computing loss under this head. Accordingly, loss of future income owing to disability comes to Rs.12,60,000/- (Rs.6000 x 12 x 14) + (25% future prospects).

The Tribunal has awarded an amount of Rs.70,000/- for pain and sufferings. The injured remained hospitalized twice from 24.10.2012 to

18.12.2012 and 04.03.2013 to 09.09.2013, for a total period of about 9 months. He has been disabled to the extent of 100% and dependent upon others till he remains alive. That being so, he is awarded an amount of Rs.1.25 lakh towards pain and sufferings. Compensation of Rs.20,000/- towards special diet allowed by the Tribunal is affirmed. Similarly, an amount of Rs.1.5 lakh allowed under aforesaid heads shall be appropriated towards loss of amenities of life. Claimant is awarded an amount of Rs.30,000/- towards expenses in future and Rs.20,000/- for transportation charges.

The Tribunal has allowed an amount of 1.5 lakh towards services of an attendant. However, Rs.75,000/- has also been awarded under this head, included in the medical expenses of Rs.6,15,574.34. Rs.75,000/- would be appropriated towards services of attendant(s) required during period of hospitalisation for a period of about nine months. With regard to future attendant charges, claimant shall be entitled to an amount of Rs.2000/- per month for a period 14 years and the same comes to $\text{Rs.}2000 \times 12 \times 14 = 3,36,000/-$, inclusive of Rs.1.5 lakh allowed by the Tribunal.

With regard to medical expenses of Rs.6,15,574/- allowed by the Tribunal, counsel for the parties are ad idem that amount of Rs.77,360/- included therein is not re-imbursible. However, counsel for the insurance company would urge that claim qua amount of Rs.21,200, 60,000 and 20,000/- shown in bills Exs.P33, 293 and 288 respectively is also liable to

be rejected. Perusal of the aforesaid bills as well as document Ex.P241 leaves no manner of doubt that the aforesaid amount pertains to advance paid to the hospital and adjusted in the bills prepared later, therefore, the same is amenable to reimbursement. In this view of the matter, claimant shall be entitled to Rs.5,38,214/- (Rs.6,15,574 – 77,360) towards medical expenses. In view of the above, total compensation comes to Rs.24,79,214/- (12,60,000 + 1,25,000 + 20,000 + 30,000 + 20,000 + 1,50,000 + 3,36,000 + 5,38,214) and the additional amount is Rs.4,65,640/- (24,79,214 – 20,13,574), payable with interest @ 7.5% per annum from the date of petition till realization. Out of additional amount, a sum of Rs.1 lakh shall be released forthwith. The balance amount shall be invested in a fixed deposit in the name of the victim. Interest accruing on FDR shall be paid to one of the parents of the victim for incurring expenses on his day to day living. Claimant shall further be entitled to withdraw an amount of Rs.1 lakh every year, out of amount invested in FDR.

The appeals are disposed of in the aforesaid terms.

09.03.2018
ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No