

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

**FAO No.2600 of 2015 (O & M)
Date of Decision:-20.3.2018**

Manoj Kumar

...Appellant

Versus

Sombir and another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. J.P. Sharma, Advocate
for the appellant.

Mr. R.K. Bashamboo, Advocate
for respondent No.2-insurance company.

REKHA MITTAL J.(Oral)

Manoj Kumar, injured/victim has filed the appeal seeking enhancement of compensation on account of injuries sustained by him in a motor vehicular accident that took place on 29.3.2014.

The Tribunal has awarded compensation of Rs.5,14,138.54/- (round figure Rs.5,14,200/-), detailed hereunder :-

Expenses on medical treatment	Rs.4,59,138.54/-
Loss of income for disability	Rs.40,000/-
Pain and suffering, special diet, loss of income, attendant charges and transportation charges etc.	Rs.15,000/-

Counsel for the appellant has prayed for enhancement of

compensation in respect of loss of future income qua disability and under various other heads for which the Tribunal has awarded lump sum amount of Rs.15,000/-.

Counsel representing the insurance company has refuted contention of counsel for the appellant for enhancement with the plea that disability certificate does not contain any opinion if the disability is permanent or temporary in nature. However, he has fairly informed that some more compensation may be allowed to the claimant with regard to heads for which he has been given Rs.15,000/- in all.

The Tribunal has allowed reimbursement of medical expenses on the basis of documents Ex.PW5/3 to Ex. PW5/45 and the same is ordered to be affirmed. The claimant produced Disability Certificate Ex.P-18 issued by the Medical Board headed by Medical Superintendent, Narnaul. Perusal of copy of Disability Certificate, made available during the course of hearing, would reveal that disability to the extent of 20% has been assessed on account of partial power loss of right lower limb with superficial deformity right foot. The Medical Board has opined that patient requires further physiotherapy and treatment but there is nothing on record suggestive of the fact that Manoj Kumar has actually taken any such treatment for disability suffered by him. However, disability is stated to be permanent in nature.

As per plea of the claimant, he had been working as office helper in Shri Krishna College of Education, VPO Pali, District Mohindergarh. The claimant has not adduced any evidence that on account

of disability suffered by him, he has lost his job. If the claimant could continue on the same job which he was doing prior to occurrence, he cannot be allowed loss of future income by adopting multiplier method. That being so, compensation awarded by the Tribunal qua disability to the tune of Rs.40,000/- @ Rs.2000/- per percent is ordered to be affirmed.

This brings the Court to aspect of compensation of Rs.15,000/- allowed under various heads discussed hereinbefore. The injured remained hospitalized for a period of 12 days. Injuries suffered in accident rendered him disable to the extent of 20%. The disability would result in loss of amenities of life throughout. Under the circumstances, it is expedient in the interest of justice that claimant is awarded an amount of Rs.35,000/- towards pain and sufferings, special diet, loss of income, attendant charges, transportation charges and loss of amenities of life. Additional amount of Rs.20,000/- shall be payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

March 20, 2018
Vijay Asija

(**REKHA MITTAL**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No