

**X Obj No.160-CII of 2015 and  
FAO No.4462 of 2014**

**-1-**

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

**X Obj No.160-CII of 2015 and  
FAO No.4462 of 2014  
Date of Decision.03.08.2018**

Royal Sundaram Alliance Insurance Company Limited .....Appellant

Vs

Gurbaj Sharma @ Bajji and another .....Respondents

**CORAM:HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. D.K. Prajapati, Advocate for  
Mr. R.S. Madan, Advocate  
for the appellant.

Mr. Ashwani Arora, Advocate  
for respondent No.1.

-.-

**AMIT RAWAL J.(ORAL)**

The appeal has been preferred by the insurance company challenging the award passed by the Tribunal on the quantum whereby it awarded a sum of ₹16,39,000/- for the injuries suffered by respondent No.1 in a motor accident occurred on 23.08.2011. The claimant also filed cross objection for enhancement of compensation.

On the ill-fated day, the claimant was riding his motor bike accompanying Bubbi as pillion rider when a car bearing registration No.HR-03-M-1522 struck against their motor bike, resulting into grievous multiple injuries to the claimant. He suffered two fractures in left leg, head injuries and other multiple injuries. He was taken to Durga Dal Hospital, Patran, then to the Rajindra Hospital, Patiala and thereafter, referred to PGI, Chandigarh from where he discharged on 23.09.2011. He remained bed ridden for about 1 ½ years, out of which spent four months in coma. The

claimant was a Mason by profession and used to earn ₹12,000/- per month.

The Tribunal after appreciating the documentary as well as oral evidence brought on record, took the income of the claimant as ₹6250/- per month and awarded a sum of ₹16,39,000/- in the following manner:-

|                                                        |                                                                                   |
|--------------------------------------------------------|-----------------------------------------------------------------------------------|
| “Medical expenses                                      | - ₹66,475/-=67,000/-                                                              |
| Attendant Charges                                      | - ₹25,000/-                                                                       |
| Special diet                                           | - ₹10,000/-                                                                       |
| Transportation                                         | - ₹10,000/-                                                                       |
| Pain and suffering                                     | - ₹50,000/-                                                                       |
| Disability 68%                                         | - $6250 \times 50\%$ of $6250 = 3125 + 6250/-$<br>$= 9375 \times 68\% = 6375/-$ . |
| Compensation for loss of earning capacity              | $6375 \times 18 \times 12 = 13,77,000/-$                                          |
| Reduction in life expectancy/loss of amenities of life | - ₹50,000/-                                                                       |
| Loss of prospect of marriage                           | - ₹50,000/-.                                                                      |
| <b>Total</b>                                           | <b>- ₹16,39,000/-.</b>                                                            |

Mr. Prajapati, learned counsel appearing on behalf of the appellant submits that the Tribunal while awarding the aforementioned compensation took the income of the injured as ₹6250/- per month for determining the loss of earning capacity for 68% permanent disability whereas as per minimum wages applicable at the relevant point of time it should have been ₹4643/- per month and thereupon, future prospects of 50% ought to have been added, thus, urges this Court for modification of the award.

On the other hand, Mr. Ashwani Arora, learned counsel

appearing for respondent No.1-cross objector submitted that the respondent

No.1-claimant was a Mason by profession and due to injuries, he would not be able to squat and perform his work as Mason, therefore, functional disability ought to have been assessed 100%. The amounts provided under the heads of pain and suffering, transportation and special diet are on lower side, thus, urges this Court for enhancement of compensation.

I have heard learned counsel for the parties, appraised the paper book and of the view that the compensation assessed by the Tribunal is perfectly legal and justified. The Tribunal has rightly assessed the income of the claimant @₹6250/- per month. There is no evidence brought on record to show that owing to the injuries suffered by the claimant, he would not be able to earn any income in future. There may be a down fall in income but the case in hand is not that the claimant has suffered 100% functional disability. Therefore, the amount provided towards permanent disability is correct assessment. The amounts provided towards transportation, special diet, attendant charges, loss of amenities and pain and suffering are also just and proper.

In view of the aforementioned, I do not find any reason to interfere with the award passed by the Tribunal. No ground for interference is made out.

Both the appeal and the cross objections are dismissed.

**(AMIT RAWAL)  
JUDGE**

**August 03, 2018**  
Pankaj\*

Whether speaking/reasoned      Yes

Whether reportable      No