

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

FAO-5066-2014 (O&M)
Date of decision: 02.05.2018

SUKHWINDER SINGH

... Appellant

Versus

PARAMJIT SINGH & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Baldev S. Sodhi, Advocate for the appellant.

Mr. S.P. Arora, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM No.14402-CII of 2014

Heard.

Allowed as prayed for. Delay of 82 days in re-filing the appeal stands condoned.

Main Case

The injured victim is in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Patiala to the tune of Rs.2,74,864/-, detailed hereunder:-

1. Pain and sufferings	Rs.50,000/-
2. Medical expenses	Rs.1,14,864/-
3. Compensation for depreciation of life due to 50%permanent disability and amputation of right foot	Rs.50,000/-
4. Special diet	Rs.25,000/-

5. Attendant charges	Rs.20,000/-
6. Transportation charges	Rs.15,000/-

Counsel for the claimant would argue that compensation awarded by the Tribunal under various heads is on lower side and needs enhancement. It is further argued that the injured suffered disability to the tune of 50% on account of amputation of right foot but the Tribunal has awarded a meager sum of Rs.50,000/- qua disability. The injured was unmarried at the time of occurrence and disability is bound to adversely affect his matrimonial prospects. He is entitled to compensation qua loss of amenities of life.

Counsel representing the insurance company has supported assessment made by the Tribunal with the submission that injured has been adequately compensated.

The Tribunal has awarded an amount of Rs.1,14,864/- qua medical expenses based upon documents and the same is affirmed. Similarly, in view of nature of injuries sustained coupled with period of treatment as an indoor patient, compensation for pain and sufferings, special diet, attendant charges and transportation charges is also affirmed.

This brings the Court to compensation qua permanent disability on account of amputation of right foot to the tune of 50%. Counsel for the appellant, in response to a query, would fairly inform that the injured was working in ICICI insurance and he has not suffered any loss of job due to sustaining injuries in the occurrence. However, it is urged that though the injured has not examined a witness from his employer with

regard to absence from duty but the Court can take judicial notice that as the injured remained hospitalised for a period of approximately 20 days and would have taken some more time in recovering from his medical condition making him fit to resume duty, he is entitled to compensation qua loss of income during the period of treatment and recovery. As per observations recorded by the Tribunal, the injured was working at a salary of Rs.13,000/- per month. Taking into consideration the nature of injuries sustained coupled with period of treatment as an indoor patient, interest of justice would be served if the claimant is allowed loss of income for a period of two months and accordingly he is awarded an amount of Rs.26,000/- qua loss of income during the period treatment and recovery.

The injured has suffered disability of 50% on account of amputation of right foot. As he has not suffered any loss of income or loss of job due to amputation of right foot, claimant shall be entitled to an amount of Rs.1 lakh @ Rs.2000/- per percent qua disability suffered by him. He is awarded a sum of Rs.50,000/- towards loss of amenities of life. In this manner, claimant shall be entitled to additional amount of Rs.1,26,000/-, payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

02.05.2018

ashok

Whether speaking/reasoned:

Whether reportable:

Yes / No

Yes / No

**(REKHA MITTAL)
JUDGE**