

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

245

FAO-2576-2016 (O&M)
Date of decision: 12.07.2018

SUNITA DEVI

... Appellant

Versus

ASHOK & OTHERS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Munish Gupta, Advocate for the appellant.

Mr. M.B. Jain, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 05.11.2014.

The Tribunal has awarded compensation of Rs.75,000/-, detailed hereunder:-

1. Loss of income	Rs.10,000/-
2. Bills	Rs.17,000/-
3. Disability	Rs.30,000/-
4. Pain and sufferings	Rs.10,000/-
5. Transportation charges	Rs.2000/-
6. Services of attendant	Rs.4000/-
7. Special diet	Rs.2000/-

Counsel for the appellant would urge that the injured has suffered permanent disability to the tune of 15% on account of injury on right elbow. It is argued that as the injured has been treated to be a household lady, 15% disability to right elbow would certainly create lot of difficulty in discharging her duties as a house-maker. According to counsel, claimant is entitled to loss of her services by applying an appropriate multiplier. She is also entitled to compensation qua loss of amenities of life on account of permanent disability.

Counsel representing the insurance company has supported assessment made by the Tribunal.

Be that as it may, it is undisputed position of the case that the victim had suffered permanent disability to the extent of 15% on account of injury to her right elbow. The Tribunal has awarded loss of income to the tune of Rs.10,000/-. The occurrence took place in November, 2014. Taking a clue from the minimum wage available at the relevant time, value of services of the injured cannot be assessed less than Rs.5000/- per month. Disability of 15% to a particular limb would be taken as functional disability for assessment of loss of services of the victim in view of nature of duties required to be performed by her. The victim was 42 years old at the relevant time. Accordingly, claimant shall be entitled to Rs.1,26,000/- (Rs.5000 x 12 x 14 x 15%) qua loss of income. She shall be entitled to a sum of Rs.15,000/- with regard to loss of amenities of life on account of disability. Compensation awarded by the Tribunal qua disability and loss of enjoyment and amenities of life to the tune of Rs.30,000/- shall be adjusted out of aforesaid compensation allowed by this Court. Compensation awarded by the Tribunal under various other heads is affirmed. In this manner, total compensation is Rs.1,76,000/- and the additional amount of Rs.1,01,000/- (1,76,000 – 75,000) 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.

(REKHA MITTAL)
JUDGE

12.07.2018
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No