

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

**FAO No.5372 of 2014**

**Date of Decision.11.01.2018**

Sandeep Kumar

.....Appellant

Vs

Krishan Lal and others

.....Respondents

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

Present: Mr. Bhupender Singh, Advocate  
for the appellant.

None for the respondents.

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**AMIT RAWAL J.(ORAL)**

**C.M. No.14990-CII of 2014**

For the reasons stated in the application, delay of 46 days in  
filing the appeal is condoned.

Application is allowed.

**FAO No.5372 of 2014**

The present appeal has been preferred by the appellant for  
enhancement of compensation for injuries suffered by him in a motor  
accident occurred on 30.10.2011. He was working as Security Guard with  
Soma Construction Company Ltd. and stated to earning ₹7000/- per month.  
He received multiple injuries on his person, resulting into disability to the  
extent of 20%.

The Tribunal while assessing the compensation of ₹71,470/-,  
provided ₹51,470/- on account of reimbursement of medical bills and  
₹20,000/- on account of disability.

Learned counsel appearing for the appellant submits that the

Tribunal has grossly erred in assessing ₹20,000/- on account of disability.

The loss of future earning ought to have been assessed by applying the multiplier suitable to the age of the injured. It did not provide anything towards pain and suffering, special diet and attendant charges, thus, there is scope for enhancement.

There is no representation for the respondents.

I have heard learned counsel for the appellant and appraised the paper book. Mere disability does not give a ground to assess compensation under the head of loss of earning capacity. There has to be cogent evidence as to how the disability affected the earning capacity of the injured. In the absence of any documentary proof as to how the disability of 20% affected the functioning ability of the claimant, there is no scope for even assessing the compensation for loss of future earning by applying a straightjacket formula. The Tribunal has already provided Rs.20,000/- for permanent disability, which, in my view, will take care of special diet, transportation and attendant charges.

In view of the above, I do not find any scope for enhancement. The award passed by the Tribunal is upheld and the appeal stands dismissed.

**(AMIT RAWAL)**  
**JUDGE**

**January 11, 2018**  
Pankaj\*

Whether reasoned/speaking      Yes

Whether reportable      No