

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision:10.12.2018

FAO No. 3130 of 2016

Ram Lal

---Appellant

vs.

Mohammad Iqbal and others

---Respondents

FAO No. 3519 of 2016

Sher Singh

---Appellant

vs.

Mohammad Iqbal and others

---Respondents

FAO No. 3632 of 2016

Geeta Rani and others

---Appellants

vs.

Mohammad Iqbal and others

---Respondents

FAO No. 4437 of 2016(O&M)

Mohan Singh through LRs

---Appellant

vs.

Mohammad Iqbal and others

---Respondents

FAO No. 5083 of 2016

Jaspal Singh

---Appellant

vs.

Mohammad Iqbal and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.B.S.Saini, Advocate
for the appellants in
FAO Nos.-3130, 3519, 4437 & 5083 of 2016

None for the appellants in FAO No. 3632 of 2016

Mr. Rajbir Wasu, Advocate
for respondent No. 3-insurance company

Rekha Mittal, J.

This order will dispose of FAO Nos. 3130, 3519, 3632, 4437 and 5083 of 2016 as these have emerged out of the same accident that took place on 18.9.2013. The appeals have been preferred by the claimants seeking enhancement of compensation.

FAO No. 3130 of 2016

Ram Lal, injured has filed the appeal seeking enhancement of compensation.

The Motor Accidents Claims Tribunal, Fatehgarh Sahib (in short “the Tribunal”) has awarded compensation of Rs. 54,000/-, detailed hereunder:-

Pain and suffering	Rs. 15,000/-
Medical expenses	Rs. 8,000/-
Loss of income	Rs. 6,000/-
Special diet and attendant	Rs. 15,000/-
Transportation	Rs. 10,000/-

Counsel for the appellant would argue that compensation allowed by the Tribunal under different heads is grossly inadequate and

merits enhancement. The claimant suffered multiple injuries including fracture of right and left leg and left arm and remained hospitalized from 18.9.2013 till 5.10.2013.

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

Claimant appeared in the witness box to substantiate his plea for grant of compensation in respect of injuries sustained by him in the accident. The Tribunal has accepted statement of the claimant that he remained under treatment in Rajindra Hospital, Patiala from 18.9.2013 till 5.10.2013. The Tribunal has assessed loss of income by treating him as a labour. Taking into account the period of treatment coupled with nature of injuries sustained and income of the deceased to be assessed on the basis of minimum wage available at the relevant time to the tune of Rs. 6300/- per month, the claimant is awarded loss of income for a period of three months amounting to Rs. 18,900/- (additional amount of Rs. 12,900/-). Compensation allowed by the Tribunal under other heads is correct and affirmed.

The additional amount of Rs. 12,900/- shall be payable with interest @ 7.5% per annum from the date of petition till realization.

FAO No. 3519 of 2016

Sher Singh, the injured has been awarded compensation of Rs. 57,200/-, detailed hereunder:-

Pain and suffering	Rs. 15,000/-
Medical expenses	Rs. 14,000/-

Loss of income	Rs. 6,000/-
Special diet and attendant	Rs. 15,000/-
Transportation	Rs. 7200/-

In view of observations made in FAO No. 3130 of 2016, the claimant shall be entitle to additional compensation of Rs. 12,900/- qua loss of income, payable with interest @ 7.5% per annum from the date of petition till realization.

FAO No. 3632 of 2016

With regard to death of Suresh Kumar, the Tribunal has awarded compensation of Rs.14,08,600/-, detailed hereunder:-

Monthly income of the deceased	Rs. 7000/-
Deduction for personal expenses	1/4 th
Multiplier	14
Loss of dependency	Rs. 8,73,600/-
Loss of consortium to widow	Rs 1,00,000/-
Funeral Expenses	Rs. 25,000/-
Expenses on medical treatment	Rs. 4,09,628/-

The Tribunal has assessed income of the deceased at Rs. 7000/- per month by taking him as a driver. Taking into consideration minimum wage at the relevant time, there is no scope for enhancement in income of the deceased. However, claimants shall be entitle to addition in income for future prospects @ 25%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs. 11,02,500/- [Rs. 7000x12x14=11,76,000

$+2,94,000(25\%)=14,70,000-3,67,500(1/4^{\text{th}})]$.

Compensation allowed under conventional heads and medical bills is affirmed.

Total compensation is Rs. 16,37,128/- (11,02,500 + 1,25,000 + 4,09,628) and the additional amount is Rs. 2,28,528/- (16,37,128-14,08,600), payable with interest @ 7.5% per annum from the date of petition till realization, to be shared by claimants No. 1 to 3 in equal ratio.

FAO No. 4437 of 2016

Mohan Singh, injured has been awarded compensation of Rs. 39,000/-, detailed hereunder:-

Pain and suffering	Rs. 10,000/-
Medical expenses	Rs. 8,000/-
Loss of income	Rs. 6,000/-
Special diet and attendant	Rs. 15,000/-

In view of observations made in FAO No. 3130 of 2016, the claimant shall be entitle to loss of income @ Rs. 6300/- per month for two months i.e. Rs. 12,600/-. Additional amount of Rs. 6600/- shall be payable with interest @ 7.5% per annum from the date of petition till realization.

FAO No. 5083 of 2016

Jaspal Singh, injured has been awarded compensation of Rs. 76000/-, detailed hereunder:-

Pain and suffering	Rs. 15,000/-
Medical expenses	Rs. 24,000/-
Loss of income	Rs. 12,000/-

Special diet and attendant	Rs. 15,000/-
Transportation	Rs. 10,000/-

In view of observations made in FAO No. 3130 of 2016, the claimant shall be entitle to compensation of Rs. 18,900/- (additional amount of Rs. 6,900/-) qua loss of income, payable with interest @ 7.5% per annum from the date of petition till realization.

The appeals are partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

10.12.2018
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Whether speaking/reasoned: Yes
Whether reportable : Yes/No