

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.6431 of 2013
Date of Decision: 05.02.2018

Dharambir

.....Appellant

Vs.

Ram Lakhan and Ors

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:-

Mr.Jasbir Mor, Advocate, for the appellant.

Mr.Sanjiv Gupta, Advocate, for respondent No.1.

Mr.Vikash Sharma, Advocate, for respondent No.2.

Mr.Neeraj Khanna, Advocate, for respondent No.3.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellant (for short 'the appellant'), against award dated 12.09.2013 passed by the learned Motor Accident Claims Tribunal, Jind (for short, 'the Tribunal') vide which compensation to the tune of Rs.5,58,500/- was awarded to the claimants on account of injury suffered by him.

FACTS NOT IN DISPUTE

On 22.07.2012, the appellant-Dharambir was driving a motorcycle bearing registration No.HR-31E-8534 make Platina and his son Dinesh was pillion rider with him. They were proceedings to DM Engineering College Hatho for interview of said Dinesh. When they reached in front of gate of the said college, in the meantime a car bearing No.HR-05-AB-0337 driven by respondent No.1 in a rash and negligent manner, by coming on wrong side came there and directly hit, against their motorcycle resulting in this accident. As a result of this accident leg of the appellant was broken from three places and had to be amputated lateron. On the statement of appellant, a criminal case was lodged against respondent No.1 Ram lakhan by the police on 23.07.2012.

COMPENSATION ASSESSED BY MACT

The claimant had suffered 70% permanent disability and he was 44 years of age. As per his disability certificate Ex.P1 and copy of MLR Ex.P4, the disability of the appellant was 70% due to below knee and there was other fracture in right leg. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company.

Sr.No.	Heads of compensation	Amount
1	Medical Expenses	Rs.1,08,000/-
2.	Conveyance charges	Rs.3,000/-
3.	Special diet	Rs.6,000/-
4.	Special attendant	Rs.2,000/-
5.	Loss of earnings	Rs.13,500/-
6.	Loss of future earnings	Rs.3,36,000/-
7.	Pain and suffering	Rs.20,000/-
8.	Loss of amenities of life	Rs.20,000/-
9.	For future medical expenses	Rs.70,000/-
	Total	Rs.5,58,500/-

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced, in view of the judgment "**National Insurance Company Ltd. Vs. Pranay Sethi and others SLP(C) 25590 of 2014 decided on 31.10.2017**". On the other hand, the learned counsel for the respondents have vehemently opposed the present appeal.

RE-ASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the record.

It is not in dispute that the offending vehicle was fully insured with the Insurance company. Following the ratio of law laid down by Hon'ble the Supreme Court in the above mentioned judgments, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Salary as per daily wager	Rs.5,000/- p.m
4.	Income per year after applying multiplier	Rs.5,000/- X 12 X 14= Rs.8,40,000/-

5.	Transportation and attendant	Rs.15,000
6	Medical Expenses	Rs.1,08,000/-
6.	Loss of future earnings	Rs.30,000/-
7.	Pain and suffering	Rs.20,000/-
8.	Loss of amenities of life	Rs.1,00,000/-
9.	For future medical expenses	Rs.1,00,000/-
	Total	Rs.12,13,000/-
	Enhanced amount of compensation	Rs.12,13,000/- ----Rs.5,58,500/- =Rs.6,54,500/-

Resultantly, the enhanced amount of compensation of Rs.6,54,500/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of **Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539**. Remaining conditions of disbursal of amount shall remain unaltered. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

(RITU BAHRI)
JUDGE

05.02.2018
anil

Whether speaking/reasoned Yes/No
Whether reportable Yes/No