

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

**Date of decision: 30.05.2018**

**FAO No.4420 of 2015 (O&M)**

Manjit Kaur and others

... Appellants

Versus

Maninder Singh @ Biru and others

... Respondents

**FAO No.4422 of 2015 (O&M)**

Amrik Singh

... Appellant

Versus

Maninder Singh @ Biru and others

... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. S.S. Antal, Advocate  
for the claimants.

Mr. Jitender S. Chahal, Advocate  
for respondents No.1 and 2.

Mr. Rajesh Kumar Sharma, Advocate  
for U.I.I.C.

Mr. Rajbir Wasu, Advocate  
for respondent No.6.

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**REKHA MITTAL, J. (Oral)**

This order will dispose of FAO Nos.4420 and 4422 of 2015 as  
these have emerged out of the same award passed by the Motor Accidents  
Claims Tribunal, Ambala whereby compensation has been assessed on

account of death of Balwinder Singh and injuries sustained by Amrik Singh.

**FAO No.4420 of 2015**

The Tribunal has awarded compensation of Rs.9,58,000/-, detailed hereunder:-

|                                                     |                   |
|-----------------------------------------------------|-------------------|
| 1. Monthly income of the deceased                   | Rs.6000/-         |
| 2. Multiplier                                       | 17                |
| 3. Deduction for personal expenses                  | 1/4 <sup>th</sup> |
| 4. Loss of dependency                               | Rs.9,18,000/-     |
| 5. Expenses on transportation, funeral & last rites | Rs.20,000/-       |
| 6. Loss of consortium                               | Rs.20,000/-       |

The Tribunal has not allowed benefit of future prospects. Claimants shall be entitled to increase in income for future prospects @40% as the deceased was 26 years old. Multiplier adopted by the Tribunal is affirmed. The Tribunal has applied deduction of 1/4<sup>th</sup> for personal expenses of the deceased. The application for compensation has been filed by the parents, widow and minor son of the deceased. The father of the deceased was 50 years old at the time of occurrence. There is nothing on record suggestive of the fact that father is suffering from any impairment to create hindrance to earn livelihood for himself and his family. Under the circumstances, father shall not be entitled to compensation qua loss of dependency. That being so, admissible deduction for personal expenses would be 1/3<sup>rd</sup>. In this manner, loss of dependency comes to Rs.11,42,400/- [(Rs.6000 x 12 x 17) + (40% future prospects) – (1/3<sup>rd</sup> deduction for personal expenses)].

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimants shall be entitled to Rs.70,000/-, detailed hereunder:-

|                       |             |
|-----------------------|-------------|
| 1. Loss of consortium | Rs.40,000/- |
| 2. Loss of estate     | Rs.15,000/- |
| 3. Funeral expenses   | Rs.15,000/- |

Total compensation is Rs.12,12,400/- and the additional amount is Rs.2,54,400/- (12,12,400 - 9,58,000), payable with interest @7.5% per annum from the date of petition till realization to Tanveer Singh, minor son of the deceased, to be invested in fixed deposit payable on his attaining the age of majority or for a period of three years, whichever is later. Interest accruing on FDR shall be payable to mother of the minor for meeting expenses on his education and living.

The appeal is partly allowed in the aforesaid terms.

#### **FAO No.4422 of 2015**

With regard to injuries sustained by Amrik Singh, the Tribunal has awarded compensation of Rs.3,16,800/-, detailed hereunder:-

|                                       |               |
|---------------------------------------|---------------|
| 1. Medical expenses                   | Rs.2,17,800/- |
| 2. Pain and sufferings and disability | Rs.75,000/-   |
| 3. Nutritious diet                    | Rs.6000/-     |
| 4. Attendant charges                  | Rs.6000/-     |
| 5. Transportation charges             | Rs.12000/-    |

Counsel for the claimant would urge that compensation awarded under different heads is on lower side and needs enhancement. Further argued that injured suffered disability of 22% but no compensation

has been allowed in this regard. The claimant is entitled to loss of income during the period of treatment and recovery.

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

The Tribunal has allowed reimbursement of medical expenses to the tune of Rs.2,17,800/- and Rs.75,000/- for pain and sufferings and disability. The medical expenses allowed by the Tribunal are ordered to be affirmed. The injured victim remained hospitalised for a period of about two months w.e.f. 26.01.2013 to 01.04.2013. He remained under treatment in PGI, Chandigarh. Dr. Vikas Paul, Medical Officer, General Hospital, Ambala City was examined to prove disability and disability certificate Ex.P11. He would depose that Amrik Singh has suffered permanent disability on account of open reduction internal fixation right forearm with restriction of movement of right middle and next finger with open reduction internal fixation of right knee with stiffness with discharging sinus with shortening of right lower limb. The disability certificate is marked as Ex.P11. In his cross examination, he has stated that disability pertains to particular limb and it will not affect working capacity of the patient. However, physiotherapy was advised to reduce the percentage of disability. The fracture found to be united. Further stated that he cannot tell nor it has been mentioned in Ex.P11 as to how much percentage pertains to which of the injury. He did not know as to what was the length of right leg of the patient. Therefore, it cannot be said with certainty as to whether there

was any shortage in the leg or not. However, he had found the difference in the length of both the legs on examination. Taking a view from the facts elicited in cross examination of Dr. Vikas Paul coupled with the period of treatment as an indoor patient, claimant shall be entitled to additional amount of Rs.25000/- qua pain and sufferings and disability.

The Tribunal has awarded a sum of Rs.6000/- for nutritious diet and another Rs.6000/- for attendant charges. Rs.12,000/- has been allowed for transportation expenses. Keeping in view the above, claimant is allowed compensation of Rs.10,000/- for nutritious diet, Rs.10,000/- for attendant charges and Rs.15,000/- for transportation expenses. The claimant shall be entitled to loss of income for a period of three months @ Rs.5000/- per month i.e.15,000/- during the period of treatment and recovery. The additional amount of Rs.51,000/- (3,67,800 - 3,16,800) 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.

30.05.2018  
ashok

(REKHA MITTAL)  
JUDGE

|                            |          |
|----------------------------|----------|
| Whether speaking/reasoned: | Yes / No |
| Whether reportable:        | Yes / No |