

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No.859 of 2013
Date of decision:22.01.2018

Mohit Kumar Bansal

... Appellant

Vs.

Joga Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ashok Jindal, Advocate
for the appellant.

Mr. Harsh Aggarwal, Advocate
for respondents No.3 and 5.

AMIT RAWAL J. (Oral)

The appeal is for enhancement of compensation for injuries suffered in a motor accident occurred on 30.11.2011. The claimant was driving a car alongwith Mangat Ram, Deepak Kumar, Rajni and Pooja bearing registration No.PB-03-2848 from Barnala to Tapa, when one truck bearing No.RJ-13-GA-4738, driven rashly and negligently by respondent No.1 hit against the aforementioned car, resulting into multiple fracture of his leg.

The Tribunal assessed a compensation of ₹1,46,000/- under the following heads:-

1.	Medical expenses	₹1,23,000/-
2	Transportation	₹ 3,000/-
3	Special diet	₹20,000/-
	Total	₹1,46,000/-

Mr. Ashok Jindal, learned counsel appearing on behalf of the appellant submitted that the claimant remained hospitalized from 1.12.2011 to 13.12.2011, thus, the amount of ₹1,23,000/- towards medical expenses is on lower side. The Tribunal did not provide anything under the head of loss of earning capacity towards 40% permanent disability as per the disability certificate, Ex.C20, much less, loss of amenities and loss of prospect of marriage, thus, urges this Court for enhancement of compensation by modifying the award passed by the Tribunal.

Mr. Harsh Aggarwal, learned counsel appearing on behalf of respondents No.3 to 5 submits that the Tribunal has taken care of all the heads of claim in providing ₹1,46,000/- as compensation, thus, there is no scope for further enhancement.

I have heard learned counsel for the parties and appraised the paper book. The claimant was stated to be running the business of confectionary and earning ₹10,000/- per month. However, I will take the income as ₹6,000/- per month and by taking 40% permanent disability of the claimant as 40% functional disability and adopt a multiplier of 18, as the claimant was 25 years of age at the time of accident, to assess the loss of earning capacity as ₹5,18,400/- and rest of the findings of the Tribunal are upheld. In all, the appellant-claimant shall be entitled to enhanced compensation of ₹ 5,18,400/- over and above what has already been provided by the Tribunal. This amount shall also attract interest @6% from the date of filing of the appeal till realization. The liability shall remain the

same as has already been determined by the Tribunal.

The award stands modified and the appeal is allowed to the above extent.

(AMIT RAWAL)
JUDGE

January 22, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No