

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

FAO-6194-2014 (O&M)
Date of decision: 22.03.2018

GOVIND

... Appellant

Versus

SHAILENRA SINGH YADAV & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vijay S. Rao, Advocate
for the appellant.

Mr. Shashi K. Yadav, Advocate
for respondents No.1 and 2.

Mr. R.K. Bashamboo, Advocate
for respondent No.3.

REKHA MITTAL, J. (Oral)

Govind, the injured is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 01.01.2012.

The Tribunal has awarded an amount of Rs.4,20,173/- (rounded off to Rs.4,20,200/-) qua pecuniary loss and Rs.50,000/- under non-pecuniary head(s), detailed hereunder:-

1. Medical expenses	Rs.1,16,413/-
2. Loss of future income	Rs.2,93,760/-
3. Pain and sufferings	Rs.25,000/-
4. Special diet	Rs.5,000/-

5. Transportation expenses	Rs.5,000/-
6. Loss of amenities of life	Rs.25,000/-

The appellant has sought enhancement of compensation under the aforesaid heads except qua medical expenses. To bring home his contention, it is argued that the injured remained hospitalised for a period of 8 days and incurred expenditure of Rs.1,16,413/- qua his medical treatment. Injuries sustained in the occurrence rendered him disable to the extent of 30% on account of restricted movement of right knee, right ankle with partial loss of stability as per the disability certificate Ex.P22 proved by Dr. A.K. Saini PW2. It is further argued that the Tribunal has awarded loss of future income qua disability by applying multiplier method but the claimant has not been extended benefit of increase in income for future prospects.

Counsel representing the insurance company, on the contrary, has supported assessment made by the Tribunal with the submission that there is no justification for enhancement of compensation. It is argued that the Tribunal has taken into account the entire disability to the extent of 30% for assessing loss of income to the tune of Rs.2,93,760/-.

I have heard counsel for the parties, perused the paper book and the records.

The Tribunal has awarded an amount of Rs.1,16,413/- towards medical expenses on the basis of bills and receipts marked as exhibits and the same is liable to be affirmed and ordered accordingly.

The injured victim remained hospitalised for a period of 8 days i.e. from 01.01.2012 to 08.01.2012. He has been rendered disable to the extent of 30%. Claimant is awarded an amount of Rs.5000/- qua loss of income during the period of treatment and recovery. Compensation awarded by the Tribunal for special diet and transportation is affirmed. Claimant shall be entitled to an amount of Rs.5000/- for services of an attendant. He has been awarded Rs.25,000/- for pain and sufferings and the same is ordered to be affirmed.

Dr. A.K. Saini was examined to prove extent of disability as well as disability certificate. As per his testimony, disability at 30% was assessed by the Board on account of restricted movement of right knee, right ankle with partial loss of stability and pain. In his cross examination, he has stated that a little improvement in disability with passage of time and physiotherapy cannot be ruled out. He has further deposed that disability will affect the performance of the whole body. There is nothing on record suggestive of the fact that since assessment of disability in March, 2013, the injured got his disability reassessed to say that there is no improvement in disability with passage of time or/and physiotherapy. In the given circumstances, compensation assessed by the Tribunal with regard to future loss of income qua disability does not warrant enhancement. Further, the claimant is awarded an amount of Rs.50,000/- for loss of amenities of life on account of disability suffered by him. Additional amount of Rs.35,000/- (Rs.25,000 + Rs.5,000 + Rs.5,000), 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.

22.03.2018
ashok

(REKHA MITTAL)
JUDGE

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