

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

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FAO No.5863 of 2016 (O&M)

Date of decision: 21.08.2018

MAJOR SINGH

... Appellant

Versus

SIKANDAR SINGH @ MONU AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Govind Chauhan, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 01.09.2013.

Counsel for the appellant would state that he does not intend to place on record copies of statement of Dr. K.L. Sachdeva, statement of the claimant and the disability certificate Ex.P14 but wants to make submissions on the basis of facts mentioned in the award.

Counsel would submit that as per statement of the injured, he was earning Rs.30,000/- per month from agriculture and dairy business but the Tribunal has neither recorded any finding with regard to his income nor compensated him for loss of income @ Rs.30,000/- per month for a period of 1½ months when he remained confined to bed as he suffered fracture of right leg.

The Tribunal has awarded compensation of Rs.67,020/-, detailed hereunder:-

1. Medical expenses	Rs.7020/-
2. Pain and sufferings	Rs.15,000/-
3. Attendant charges, special diet and transportation	Rs.15,000/-
4. Loss of income	Rs.10,000/-
5. Permanent disability	Rs.20,000/-

Admittedly, testimony of the claimant with regard to his income does not find corroboration from any source much less documentary evidence. The minimum wage of an unskilled worker at the relevant time was Rs.5341.50. The Tribunal has allowed loss of income to the tune of Rs.10,000/-. The injured has suffered permanent disability to the extent of 5% but the Tribunal has awarded compensation of Rs.20,000/- in this regard. Compensation allowed under other heads also appears to be on higher side. In the given scenario, there is no justification for enhancement of compensation under any of the heads.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay is of academic relevance only.

(REKHA MITTAL)
JUDGE

21.08.2018

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Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No