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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-8926-2014 (O&M)

Date of decision : 23.01.2018

Sunpreet Singh

... Appellant(s)

Versus

Khazan Singh and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vaibhav Sehgal, Advocate
for the appellant.

Mr. Vipul Sharma, Advocate for
Mr. Paul S. Saini, Advocate
for respondent No.3/Insurance Company.

AMIT RAWAL, J. (ORAL)

CM-24238-2014

For the reasons stated in the application, which is duly supported by an affidavit, the application is allowed and the delay of 48 days in filing the appeal is condoned.

FAO-8926-2014

The appeal has been preferred by the claimant Sunpreet Singh, aged 15 years on account of injuries suffered in a motor accident occurred on 21.07.2007, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of ₹2,05,000/- along with interest @ 9% per annum, had been awarded.

Learned counsel appearing on behalf of the appellants-claimants submits that the Tribunal has awarded the compensation to the

tune of ₹2,05,000/- by assessing the annual loss of income as ₹1,80,000/-, which is on lower side and multiplier of '15' has wrongly been applied, whereas it should have '18'. Moreover, the Tribunal has not awarded the amount of ₹66,630/- spent on his treatment as per the bills (Ex.PW4/1 and Ex.PW4/2). An amount of ₹ 25,000/- on account of pain and suffering is also too meagre, thus, urges this Court for setting aside the award, under challenge.

On the other hand, learned counsel appearing on behalf of the Insurance Company submits that the Tribunal has taken care of all the heads sufficiently and there is no scope for further enhancement, thus, urges this Court for dismissal of the appeal.

I have heard the learned counsel for the parties and appraised the paper book and of the view that there is a scope of enhancement as the Tribunal while awarding the compensation of ₹2,05,000/- wrongly applied the multiplier of '15', whereas it should have '18', much less, not added an amount of ₹66,630/- spent on account of his treatment. Accordingly, I take the income of the deceased as ₹30,000/- per annum and after taking disability to the extent of 40%, the annual income comes to ₹12,000/-. I apply the multiplier of '18' instead of '15' to assess the annual loss of future income as ₹2,16,000/-. I further add an amount of ₹66,630/- on account of his treatment and ₹25,000/- on account of pain and suffering as has been awarded by the Tribunal.

In all the compensation payable shall be ₹3,07,630/-. The amount in excess over what has already been provided by the Tribunal shall also attract interest @ 6% per annum from the date of filing of the appeal till

its realization. The liability shall remain the same as has already been determined by the Tribunal.

23.01.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned

Yes/ No

✓

Whether Reportable

Yes/ No