

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

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FAO No.9074 of 2014 (O&M)

Date of decision: 14.11.2018

BHUPINDER SINGH

... Appellant

Versus

DARSHAN SINGH & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Narinder K. Vadehra, Advocate for the appellant.

Mr. Pardeep Kumar, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM Nos.24927-28-CII of 2014

Heard.

Allowed as prayed for. Delay of 27 days in refiling and 58 days in filing the appeal stands condoned.

Main Case

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 31.10.2010.

The Tribunal has awarded compensation of Rs.1,34,654/-, detailed hereunder:-

1. Medical expenses	Rs.97,654/-
2. Conveyance and special diet	Rs.7000/-
3. Loss of amenities of life & pain and sufferings	Rs.30,000/-

Vide order dated 20.02.2018 passed by this Court, a report was called from the Tribunal with regard to compensation payable in respect of disability suffered by the victim and the Tribunal has submitted the report dated 06.08.2018 along with relevant evidence whereby compensation to the tune of Rs.1,62,500/- has been assessed in respect of disability suffered by the claimant.

Counsel for the appellant would urge that deduction of 1/3rd towards personal expenses applied by the Tribunal while assessing loss qua disability cannot be allowed to sustain as the injured is alive. Another submission made by counsel is that the Tribunal has applied multiplier of 13 but the appropriate multiplier, in view of age of the injured, is 14 as he was 43 years old at the time of occurrence. He would further submit that claimant is entitle to compensation already assessed vide award dated 02.01.2014 and additional amount qua disability.

Counsel for the insurance company is not in a position to support findings of the report either with regard to deduction or multiplier of 13 as against 14 to be applied.

In view of the above, compensation qua disability suffered by the injured is calculated at Rs.2,10,000/- [(60,000 x 14) x 25%]. Total compensation is Rs.3,44,654/- and the additional sum of Rs.2,10,000/- is payable with interest @ 7.5% from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

14.11.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No