

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

FAO No. 1478 of 2018(O&M)

Date of decision: 19.3.2018

Union of India and anotherAppellants

VERSUS

Sh. Tejinder Singh and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Deepak Malhotra, Advocate for the appellants.

REKHA MITTAL, J.

CM No.5620-CII of 2018

Prayer in this application is for condonation of delay of 15 days in filing the appeal.

Heard.

In view of the averments made in the application supported by an affidavit of Randhir Singh, Assistant Engineer Electrical, representative of appellants, the application is allowed and delay of 15 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No.1478 of 2018

The present appeal directs challenge against award dated 01.12.2017 passed by the Motor Accidents Claims Tribunal, Gurdaspur (in short 'the Tribunal') whereby compensation has been awarded on account of injuries sustained by Tejinder Singh in a motor vehicular accident that took place on 19.08.2000.

The Tribunal has awarded compensation of Rs.7,31,425/- detailed in para 25 of the award, reads thus:-

Expenses on medical treatment & medicines	Rs.69,425/-
Expenses towards special diet	Rs.5,000/-
Expenses on attendant and transportation	Rs.5,000/-
Loss of actual income during treatment	Rs.12,000/-
Loss of future income due to disability	Rs.5,40,000/-
Compensation towards pain and suffering and loss of enjoyment of life	Rs.1,00,000/-

The sole submission made by counsel for the appellants is that the Tribunal has awarded an amount of Rs.5,40,000/- towards loss of future income due to disability but findings recorded by the Tribunal in para 24 of the award are contradictory. To bring home his contention, it is argued that in the earlier part of para 24, it has been held that the claimant has not suffered any loss of income in his business of stone crusher in the name and style of M/s G.S. Stone Crusher but in the later part of the same para, Tribunal has allowed an amount of Rs.5,40,000/- towards loss of future income.

I have heard counsel for the appellants, perused the paper-book particularly the award and more specifically para 24 thereof.

Perusal of para 24 makes it evident that the Tribunal has not awarded any compensation qua loss of business income on account of 85% disability in regard to amputation of right arm of the injured. On the contrary, Tribunal has extended benefit of loss on account of the injured requiring the services of a driver at the rate of Rs.2,000/- per month and an

attendant to run his smooth life and business, therefore, he has been awarded loss of income at the rate of Rs.3,000/- per month by applying multiplier of 15. As the injured would not be in a position to drive his car on account of amputation of his right arm, he would be requiring a driver to drive his vehicle for business and other purposes. Similarly, he would be needing assistance for his day to day activities as well as in business. Under the circumstances, the amount of Rs.5,40,000/- allowed by the Tribunal for services of extra hand though termed as loss of future income, cannot be faulted with and liable to be affirmed.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

MARCH 19, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no