

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

FAO 692 of 2018
Date of decision: 02.02.2018

Magma HDI General Insurance Co Limited *Appellant*

Versus

Rohit and others *Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Ms Vandana Malhotra, Advocate
for the appellant

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Rekha Mittal, J. (Oral)

The present appeal directs challenge against award dated 30.11.2017 passed by the Motor Accidents Claims Tribunal, SAS Nagar, Mohali (in short, 'the Tribunal') whereby compensation has been awarded on account of injuries sustained by Rohit alias Rohit Kumar in a motor vehicular accident that took place on 11.02.2017.

The Tribunal has assessed compensation to the tune of Rs.19,40,753.00, detailed hereunder:-

Expenditure of ailment (medical expenses)	Rs.1,28,429/-
Pain and sufferings	Rs.20,000/-
Special Diet and attendant expenses	Rs.20,000/-
Transportation charges	Rs.20,000/-
Income loss due to disability	Rs.8,55,360/-
Future Prospects	Rs.3,42,144/-

Cost of artificial limb/leg	Rs.5,54,820/-
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Counsel for the appellant has challenged assessment of compensation under two heads. It is argued that the Tribunal has assessed loss of future income by taking functional disability at the rate of 50% and even extended benefit of increase in income for future prospects to the extent of 40%. Another submission made by counsel is that the Tribunal has awarded Rs.5,54,820/- on the basis of quotation for taking artificial limb but claimant has not produced any bill in this regard.

Perusal of the award would reveal that the injured aged about 20 years suffered injury resulting in amputation of right leg upto knee. The Tribunal has assessed income of the victim at Rs.7,920.00 per month, applied multiplier of 18 and allowed benefit of increase in income for future prospects to the extent of 40%. At the relevant time, minimum wage of an unskilled worker was approximately Rs.7,600.00. Taking into consideration nature of injury sustained by the victim coupled with his age, I do not find any reason to interfere qua loss of future income due to disability, assessed by the Tribunal.

The Tribunal has awarded Rs.5,54,820/- towards price of artificial limb on the basis of quotation placed on record. As the injured suffered amputation of his lower limb, he will have to use artificial limb through out his life. Perusal of the award would reveal that the Tribunal has not allowed compensation for loss of income during the period of treatment and recovery, loss of amenities of life whereas compensation for pain and sufferings is inadequate. As such, total compensation allowed by the Tribunal cannot be faulted with.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed *in limine*.

(Rekha Mittal)
Judge

02.02.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No