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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2019.07.16 17:36
I attest to the accuracy and
authenticity of this document

FAO-712-2003

Date of decision : 5.7.2019

Rafiq Ahmad

..... Appellant

Versus

Ram Lal and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Amandeep Kaur, Advocate,
for appellant.

Mr. Deepak Suri, Advocate,
for respondent No. 1.

Mr. Vinod Gupta, Advocate,
for respondent No. 3.

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KULDIP SINGH J. (ORAL)

Appellant-claimant has filed this appeal against award dated 9.10.2002, passed by Motor Accident Claims Tribunal, Chandigarh, (for short 'the Tribunal') vide which compensation to tune of Rs. 50,000/- was awarded to him. Claimant-appellant seeks enhancement of compensation.

Facts of case are that Rafiq Ahmad, aged about 46 years, motor mechanic by profession, was going from old Panchkula to Chandigarh on scooter bearing registration No. HR-11-0049 on 1.9.1999 alongwith Raj Pal Gupta. They were hit by offending truck bearing registration No. CH-01-L-4977 while on way to Chandigarh. As a result of accident, Raj Pal gupta died whereas Rafiq Ahmad suffered injuries. The Tribunal, while considering that claimant-appellant suffered 10% disability qua left lower limb and qua whole body 2.5% and also considering that

claimant had to undergo operation twice and had to close his shop for about two months, awarded lump sum compensation to tune of Rs. 50,000/-. In the statement, claimant had claimed that he was earning Rs. 7,000/- to Rs. 7,500/- per month. However, no document regarding same was produced.

I have heard learned counsel for parties and have also carefully gone through file.

Admittedly, there is no proof of income of appellant though he was working as motor mechanic. Considering income of motor mechanic in the year 1999, income for loss of work of motor mechanic by guess work can be around Rs. 3,000/- per month. Since shop of claimant remained closed for about two months, compensation for loss of income comes to Rs. 6,000/-. The disability is 10% qua left lower limb and 2.5% in relation to whole body. Claimant spent Rs. 5,609/- for his treatment regarding which bills were produced. It is to be added here that claimant was treated and operated in hospital which is Government institute where charges are normal.

The learned counsel for appellant has prayed that multiplier system has to be applied to assess compensation and that nothing has been allowed for special diet and attendant etc.

I am of the view that in addition to Rs. 6,000/- for loss of income and Rs. 5,609/- for medicines, Tribunal awarded total sum of Rs. 50,000/- though split up has not been given. I am of the view that it is not a case where multiplier system should be applied. Disability of 10% is qua left lower limb which in normal course improves with passage of time and qua whole body, it is 2.5%. The mechanic do most of

work with hands and it is not case that due to disability, claimant is unable to stand or sit. Claimant was admittedly operated twice and he had to undergo pain and suffering. Therefore, even if some compensation is awarded under separate heads for pain and suffering, loss of income, special diet and attendant, total amount of compensation will not exceed Rs. 50,000/-. It being so, I do not find any illegality or infirmity in award. Consequently, appeal is dismissed.

(KULDIP SINGH)
JUDGE

5.7.2019
sjks

Whether speaking order	:	Yes / No
Whether reportable	:	Yes / No