

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

FAO-1488-2003 (O&M)

Date of decision: 07.02.2019

JUGRAJ SINGH

... Appellant

Versus

WARIAM SINGH AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Navneet Dhaliwal, Advocate for the appellant.
Mr. Vinod Gupta, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 24.09.2000.

The Tribunal has awarded Rs.4,54,165/- (rounded off to Rs.4,55,000/-), detailed hereunder:-

1. Medical expenses	Rs.54,165/-
2. Pain and sufferings	Rs.15,000/-
3. Loss of expectation and amenities of life	Rs.25,000/-
4. Nutritious diet	Rs.5000/-
5. Conveyance charges	Rs.5000/-
6. Loss of earning capacity	Rs.3,50,000/-

Dr. Rajiv Hora, Orthopedic Surgeon, CMC, Ludhiana would depose that Jugraj Singh was brought to casualty department of the hospital on 24.09.2000 with crush injuries of both the lower limbs for

which plastic surgery consultation was taken. He had further stated that due to long duration since injury more than 8 hours, no micro surgery intervention could be taken up for both the legs and after seeing condition of the patient i.e. crushing of both the legs, amputation was taken through knee on the right side and below the knee on left side in emergency on 25.09.2000. The patient remained admitted in the hospital upto 14.10.2000 and he was told to follow-up in the OPD after one week because the right stump got infected and patient needed daily dressings. The patient came to OPD on 15.11.2000 and he was discharging pus from the left stump. Indisputedly, the injuries sustained by the victim made him disable to the extent of 100%.

The Tribunal has awarded a sum of Rs.3,50,000/- for loss of earning capacity. As per the evidence on record, the injured was cultivating his land and doing work of dairy farming for which he had engaged certain persons. Taking a clue from notification issued by the State of Punjab fixing minimum wage coupled with that the victim was an agriculturist and running dairy business, income of the victim is assessed at Rs.2500/- per month. The victim was 50 years old at the time of occurrence, addition qua future prospects shall be @ 25% and appropriate multiplier is 13. In this manner, loss of income due to disability is calculated at Rs.4,87,500/- $[(2500 \times 12 \times 13) + (25\% \text{ future prospects})]$. Additional compensation qua loss of earning is Rs.1,37,500/- $(4,87,500 - 3,50,000)$.

As injured has been rendered disable to the extent of 100%, he

would require the services of an attendant throughout his life. The value of services of an attendant is assessed at Rs.1000/- per month. Accordingly, claimant is entitle to a sum of Rs.1,56,000/- (1000 x 12 x 13) for services of an attendant.

The Tribunal has allowed reimbursement of medical expenses, Rs.25,000/- for loss of expectations & amenities of life, Rs.15,000/- on account of pain & sufferings and Rs.5000/- for nutritious diet, the same are affirmed. However, claimant is awarded additional sum of Rs.5000/- for nutritious diet and conveyance charges.

Total compensation is Rs.7,52,665/- and the additional amount is Rs.2,97,665/- (7,52,665 – 4,55,000), payable with interest @ 7.5% per annum from the date of petition till realization.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms. A copy of judgment be sent to the claimant to enable him to realise the additional amount.

(REKHA MITTAL)
JUDGE

07.02.2019
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No