

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

FAO No. 2516 of 2001

Date of decision: 09.09.2019

Ravinder Sood

...Appellant

V/s.

Harinder Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Ashwani Arora, Advocate for the appellant.

Mr. Suvir Dewan, Advocate for respondent No. 3.

RITU BAHRI, J. (Oral).

The appellant has come up in appeal against the award of the Tribunal dated 10.03.2001 whereby he has been awarded compensation of Rs.50,000/- on account of injuries suffered in a road accident which took place on 09.12.1996.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 09.12.1996 at about 10:00 p.m., he alongwith his sister Sunita Rani was proceeding from Gharuan to Chandigarh on scooter No. CH-01-M-4328 and was driving the scooter at a slow speed on the left hand side. When he reached in front of the Bus stand, Kharar, truck No. CH-01-N-4981 came from the opposite direction which was being driven by Harinder Singh respondent No. 1 at a very fast speed, rashly and negligently. The respondent No. 1 brought the truck to the wrong side of the road and dashed his truck into the scooter. As a result of this impact, he and his sister alongwith scooter fell down on the road and they received serious injuries. Consequently, the claimant-appellant filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

The parties are not in dispute with respect to finding on issue No. 1 that the accident took place on account of negligent driving by the driver of the offending truck. This finding has been rightly given in favour of the claimant keeping in view that after the accident, formal FIR was registered as deposed by PW2.

As per the statement of the claimant, his right hip bone was fractured and his left hand side of clavicle bone was also fractured. PW4 Dr. Surjit Singh proved the disability certificate Ex.P156, which shows disability as 27%. However his disability is less than 40% as per the definition in the persons with Disabilities act, 1995. The Tribunal assessed the lumpsum compensation of Rs.50,000/- along with interest @ 9% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellant has preferred the present appeal.

REASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the case file. The fact of accident is admitted and proved. It stands established that the claimant has suffered injuries as a result of the accident. Finding of negligence has rightly been given by the Tribunal and it does not require any interference on that account.

The claimant has suffered 27% disability. He must have undergone pain and suffering and must have taken special diet. He must have incurred some amount on medicines and conveyance. He was 34 years of age at the time of accident. He is an Engineer in Irrigation Department, Punjab and his monthly income is Rs.9,617 per month after deductions.

Till attaining the age of 58 years in 2020, he would be getting full salary.

The compensation with respect to disability requires to be re-assessed as per multiplier method considering his income as Rs.8,500/- p.m. roughly and in view of the judgment passed by Hon'ble the Supreme Court in *National Insurance Company Limited Vs. Pranay Sethi and others*, Special Leave Petition (Civil) No.25590 of 2014 (decided on 31.10.2017) as under:-

Sr. No.	HEADS	CALCULATIONS
(i)	Annual income	8,500X12=Rs.1,02,000/-
(ii)	Compensation after multiplier of 9 applied	1,02,000X9=Rs.9,18,000/-
(iii)	Compensation for 27% disability	9,18,000X27%=Rs.2,47,860/-
(iv)	Pain and suffering	Rs.20,000/-
(v)	Special diet and attendant	Rs.10,000/-
	TOTAL COMPENSATION AWARDED	Rs.2,77,860/-
	ENHANCED AMOUNT OF COMPENSATION	2,77,860-50,000=Rs.2,27,860/-

The enhanced amount of compensation of **Rs.2,27,860/-** shall be payable within a period of two months from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in the case of *Dara Singh @ Dhara Banjara V/s. Shyam Singh Varma and others*, Civil Appeal No. 4528 of 2019. Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is allowed.

(RITU BAHRI)
JUDGE

09.09.2019
Divyanshi

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