

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.3920 -2001(O&M)

Date of decision: 23.05.2019

Sarbjeeet Singh

.....Appellant

versus

Gurvinder Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Durga Dutt Sharma, Advocate for the appellant
Mr.Paul S. Saini, Advocate for respondent no.3

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Claimant-appellant has filed this appeal for enhancement of compensation awarded by the Motor Accident Claims Tribunal, Ambala (for short, 'the Tribunal') vide award dated 22.11.2000.

Facts of the case are that on 3.8.1997 at about 7.00 a.m., the claimant-appellant was hit by the offending vehicle bearing Registration Number HR-37-3790. He was 16 years of age at that time and was a student of 8th class. As a result of the accident, the claimant-appellant suffered 100% disability regarding whole body, as held by the Tribunal. The claimant-appellant awarded the compensation under the following heads:-

Loss of income	Rs.2,70,000/-
For special diet	Rs.10,000/-
Loss of enjoyment of life	Rs.60,000/-

Pain and suffering Rs.20,000/-

Transportation Rs.4,000/-

The Tribunal taking into consideration that the claimant-appellant is a student, took the notional income to be Rs.1500/- per month.

Learned counsel for the appellant contends that nothing was paid on account of future prospects.

I am of the view that the claimant-appellant was a student and was neither self employer nor employed on regular basis. Therefore, nothing is to be paid on account of future prospects.

Learned counsel for the appellant further contends that nothing was paid for attendant charges. Claimant-appellant is 100% disable and he will need attendant for whole of life.

For the loss of income and for attendant, income was taken to be Rs.1500/- and multiplier of 15 was applied for loss of income and for attendant.

I am of the view that the multiplier has been incorrectly applied. As per Sarla Verma vs. Delhi Transport Corporation 2009(3) RCR (Civil) 77 multiplier of 18 was to be applied. The amount of compensation for loss of income and attendants comes to $\text{Rs.1500} \times 12 \times 18 = \text{Rs.3,24,000/-}$. The enhanced compensation for the loss of income and attendant charges comes to Rs.54,000/ each i.e. Rs.1,08,000/-. So far special diet is concerned, only Rs.10,000/- have been awarded. The said amount is increased to Rs.50,000/-, considering that the enhanced compensation is to be paid with interest. For pain and suffering the compensation is enhanced from Rs.20,000/- to Rs.50,000/-. In this way, total enhanced compensation comes to RS.1,78,000/-. The said compensation is ordered to be paid with

interest @ 7.25 per annum from the date of filing of claim petition till realization.

The appeal is accordingly allowed.

23.05.2019
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No