

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.804-2002(O&M)
Date of decision: 07.05.2019

Jagdish

.....Appellant

versus

Ramesh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Sandeep Kotla, Advocate for the appellant
Mr.Gopal Mittal, Advocate for the insurance company

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)

Jagdish, the claimant-appellant who was injured in a motor vehicle accident on 25.5.1996, is aggrieved by the award dated 3.4.2001, passed by Motor Accident Claims Tribunal, Hisar (for short, 'the Tribunal'), vide which, a compensation to the tune of Rs.1,38,000/- was allowed to him.

Claimant-appellant was traveling in a jeep, which met with an accident, as a result of which, claimant-appellant along with some others were injured. Five persons were died, for which, different claim petitions were filed. He was removed to the Civil Hospital, Hisar and then to PGI Rohtak. It was found that he remained admitted in hospital from 25.5.1996 to 12.7.1996 i.e. for 48 days. It was also found that he suffered a fracture of pelvis, haemothorax, fracture of tronchanteric with fracture shaft of femur.

Claimant-appellant was 35 years of age at the time of accident and

employed in Haryana State Electricity Board as a Bill Distributor. His income was Rs.3566/- per month. The Tribunal awarded the compensation as under:-

1. Medical Bills	Rs.50,000/-
2. Pain and suffering	Rs.15,000/-
3. Special Diet	Rs.5,000/-
4. Loss of income	Rs.10,000/-
5. Permanent disability between 35 to 40%	Rs.58,000/-
Total	Rs.1,38,000/-

Learned counsel for the claimant-appellant argues that for the permanent disability, inadequate compensation has been awarded. It is contended that claimant was Bill Distributor in Haryana State Electricity Board and this permanent disability is to continue for life.

I am of the view that adequate compensation has been awarded. Claimant-appellant was working in a Semi-Government body. Even after the accident, he continued in the job and getting same salary. Considering the monthly loss of income at Rs.300/-, the Tribunal assessed the annual loss of income at Rs.3600/-. Multiplier of 16 was applied. On account of permanent disability, claimant-appellant might have been given some light seat. He was not thrown out of the job. Against the proved medical bills of Rs.43129.71, a compensation of Rs.50,000/- was allowed. Adequate compensation under the other heads has also been granted. There is no scope for further increase in compensation.

Resultantly, the present appeal stands dismissed.

07.05.2019
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No