

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

FAO No.3491 of 2006 (O&M)

Date of decision: 21.08.2019

Jaswant Singh

....Appellant

Versus

Devinder Singh and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.S. Salar, Advocate,
for the appellant.

None for the respondents.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Sangrur (hereinafter referred to as 'the Tribunal') vide award dated 21.02.2006 on account of injuries received by him in a motor vehicular accident which took place on 23.08.2003.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 23.08.2003, after grazing cattle, claimant-appellant (Jaswant Singh) along with his father Gurcharan Singh (since deceased) was returning towards his house at village Bhindra. In the meantime, a mini bus No. PB-10-F-9435, being driven by Devinder Singh-respondent No.1 in a rash and negligent manner, came from the opposite side and hit Gurcharan Singh and Jaswant Singh, as a result of which, both of them received multiple grievous injuries. Gurcharan Singh succumbed to the injuries when he was being taken to the hospital.

Consequently, the claimant-appellant filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had taken place on account of rash and negligent driving of the offending vehicle by its driver, due to which, claimant-appellant received injuries. This finding was rightly given on the basis of deposition of Jit Singh (PW-8) and Jaswant Singh (PW-13). Apart from this, claimants have also proved on record copy of FIR Ex.P71. On the basis of evidence adduced by the claimant, compensation was awarded as under:-

1. Medical expenses	:	Rs.2,73,900/-
2. Pain and agony	:	Rs.15,000/-
3. Special diet, conveyance and: attendant charges.		Rs.10,000/-
4. Permanent disability	:	Rs.50,000/-
Total	:	Rs.3,48,900/-

Hence, the claimant was found entitled to total compensation of Rs.3,48,900/- along with interest @ 7.5% 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 appellant and perused the case file.

The fact of accident is admitted and proved. It stands established that claimant-appellant has received injuries as a result of the accident. Parties are not in dispute with respect to the finding given by

and negligent driving of the offending vehicle by its driver-respondent No.1. A perusal of the disability certificate Ex.P72 shows that due to this accident, Jaswant Singh-claimant has suffered disability to the extent of 50%. His ability to walk has been affected. Hence, the compensation requires to be reassessed by appying the multiplier method. Claimant was 15 years of age at the time of accident and after becoming major, his earning capacity has been reduced upto 50%. Accordingly, for the three years, notional income of the the claimant is assessed as Rs.50,000/-. After attaining the age of majority i.e. 18 years, his income is being taken as Rs.2500/- per month. Loss of income due to disability of 50% comes to Rs.2,70,000/- (2500 x 50/100 x 12 x 18). Hence, keeping in view the peculiar circumstances, in which the injured-claimant had been put, the compensation is hereby re-assessed as under:-

Sr. No.	Heads	Amount (Rs.)
1	Compensation on account of loss of income due to disability (permanent disability)	Rs.2,70,000/- + Rs.50,000/- = Rs.3,20,000/-
2	Loss of enjoyment of life	Rs.1,00,000/-
3	Loss of chances of marriage	Rs.50,000/-
4	Medical expenses	Rs.2,73,900/-
5	Special diet, conveyance and attendant charges	Rs.20,000/-
6	Pain and sufferings	25,000/-
7	TOTAL COMPENSATION AWARDED	Rs.7,88,900/-
	Enhanced amount of compensation	Rs.7,88,900 – 3,48,900 = Rs.4,40,000/-

The enhanced amount of compensation of **Rs.4,40,000/-** 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 vs. Shyam Singh Varma and others”, Civil Appeal No.4528 of 2019 (arising out of SLP (C) No.5720 of 2019) (decided on 01.05.2019). Remaining conditions of disbursal of amount shall remain unaltered.

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

(RITU BAHRI)
JUDGE

21.08.2019

ajp

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