

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

FAO No. 1721 of 2008

Date of decision: 09.09.2019

Rajvinder Singh

...Appellant

V/s.

Karamdin and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Sanjay Vashisth, Advocate for the appellant.

Mr. Amit Kumar Goyal, Advocate for
respondent No. 3-insurance co.

RITU BAHRI, J. (Oral).

The appellant has come up in appeal against the award of the Tribunal dated 26.07.2007 whereby he has been awarded compensation of Rs.1,03,000/- on account of injuries suffered in a road accident which took place on 09.03.2006.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 09.03.2006, the claimant was going on motorcycle from his village to Piccadly Sugar Mill at normal speed and on the left side of the road. At about 7:30 a.m. when he reached near Reliance Petrol Pump on Yamuna Nagar-Pipli Road, the offending truck No. HR-46-4545 came from behind at a fast speed, rashly and negligently being driven by respondent No. 2 hit his motorcycle as a result of which he fell down and received multiple injuries including disability. 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 the FIR No. 34 dated 10.03.2006 at Police Station Ladwa under Sections 279, 337 and 338 IPC (Ex.P6) and copy of report under Section 173 Cr.P.C. (Ex.P5).

The Tribunal assessed the following compensation:-

Sr. No.	HEADS	CALCULATIONS
(i)	For treatment etc.	Rs.57,000/-
(ii)	For pain and suffering	Rs.10,000/-
(iii)	For disability	Rs.36,000/-
	TOTAL COMPENSATION AWARDED	Rs. 1,03,000/-

Hence, the claimant was found entitled to total compensation of Rs.1,03,000/- 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.

As per the deposition of PW1 Dr. Bimla Gauri, Orthopedic Surgeon, L.N.J.P. Hospital, Kurukshetra, the medical board examined the claimant. The disability of 50% was found due to amputation of left thumb with non-function of left hand and contracture with skin grafting left forearm as per disability certificate Ex.P1. During cross examination she

stated that the disability of total amputation of left hand was 30%. This disability was towards particular limb and not qua the whole body.

The claimant was 51 years of age and was driving motorcycle at the time of accident. The compensation with respect to disability requires to be re-assessed as per multiplier method considering his income as Rs.3,000/- p.m.

Hence, to meet the ends of justice, the compensation is hereby reassessed keeping in view 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	3,000X12=Rs.36,000/-
(ii)	25% increase as future prospects	36,000+9,000=Rs.45,000/-
(iii)	Compensation after multiplier of 11 applied	45,000X11=Rs.4,95,000/-
(iv)	Compensation for 50% disability	4,95,000X50%=Rs.2,47,500/-
(v)	For treatment etc.	Rs.57,000/-
(vi)	Pain and suffering	Rs.1,00,000/-
(vii)	Special diet and transportation	Rs.20,000/-
(viii)	Attendant	Rs.10,000/-
	TOTAL COMPENSATION AWARDED	Rs.4,34,500/-
	ENHANCED AMOUNT OF COMPENSATION	4,34,500- 1,03,000=Rs.3,31,500/-

The enhanced amount of compensation of **Rs.3,31,500/-** 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