

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4848-2006

Date of decision: 21.08.2019

Naresh Kumar Singla

...Appellant

V/s.

Ramphal and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: None.

RITU BAHRI, J. (Oral).

The claimant has come up in appeal against the award of the Tribunal dated 22.09.2006 whereby he has been awarded compensation of Rs.2,25,000/- on account of injuries suffered by him in a road accident which took place on 14.02.2003.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 14.02.2003, claimant and his friend Sanjay were going on a scooter No. HR-12D-4789 towards the Flyover Hisar Road, Rohtak for collecting some payment. He was driving the scooter at a very moderate speed while Sanjay was pillion rider with him and when they reached near bridge in front of the Satish Motors then a jeep came from the side of bus stand, Rohtak. Respondent No. 1 was driving the same in rash and negligent manner at a very high speed and hit the jeep to his scooter which resulted the accident. As a result of accident, the claimant sustained serious injuries on his person and was shifted to hospital. 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 vehicle. This finding has been rightly given in favour of the claimant keeping in view that FIR No. 83 under Sections 279, 337 and 338 IPC was registered at Police Station City Rohtak against the driver/respondent No. 1.

The Tribunal had assessed compensation as under:-

Sr. No.	HEADS	CALCULATIONS
(i)	Loss of income, special diet and loss of future prospects	Rs.1,85,000/-
(ii)	Pain and suffering	Rs.10,000/-
(iii)	Transportation	Rs.5,000/-
(iv)	Medical expenditures	Rs.25,000/-
(vi)	TOTAL COMPENSATION AWARDED	Rs. 2,25,000/-

Hence, the claimant was found entitled to total compensation of Rs.2,25,000/- along with interest @ 6% 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. The age of the claimant was more than 50 years at the time of accident and hence the compensation for disability has to be calculated after applying multiplier method. The disability of 80% has been duly proved by examining PW2 Dr. M.L. Kochar.

In the peculiar facts and circumstances of the case, to meet the ends of justice, the compensation is hereby reassessed keeping in view the

income of the appellant as Rs.3,000/- p.m. 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	Rs.3,000X12=Rs.36,000/-
(ii)	25% of (i) above to be added as future prospects	36,000+9,000=45,000
(iii)	Compensation after multiplier of 13 applied	45,000X13=Rs.5,85,000/-
(iv)	Compensation for 80% disability	5,85,000X80%=4,68,000/-
(v)	Loss of enjoyment of life	Rs.1,00,000/-
(vi)	Pain and suffering	Rs.1,00,000/-
(vii)	Transportation	Rs.5,000/-
(viii)	Medical expenditures	Rs.25,000/-
(ix)	TOTAL COMPENSATION AWARDED	Rs.6,98,000/-
(x)	ENHANCED AMOUNT OF COMPENSATION	Rs.6,98,000-2,25,000 = Rs.4,73,000/-

The enhanced amount of compensation of **Rs.4,73,000/-** 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 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

21.08.2019
Divyanshi

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