

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O No.2905 of 2016 (O&M)
Date of decision:-September 17, 2019

Manohar Lal

... Appellant

Versus

Jarnail Singh and another

... Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sandeep Kotla, Advocate for the appellant.
Mr. Rajneesh Malhotra, Advocate for the Insurance Company.

RITU BAHRI J. (Oral)

1. The present appeal has been preferred by the claimants-appellants, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Fatehabad (for short, 'the Tribunal') to the tune of Rs.1,50,000/- vide impugned award dated 01.10.2015 on account of suffering 30% permanent disability, as per Disability Certificate EX.P4, in a road accident, which took place on 20.03.2014.

Assessment of Compensation:-

2. There is no dispute regarding the finding recorded qua issue No.1. This finding has rightly been given in favour of the claimant-appellant. The FIR Ex.P28 was immediately registered against respondent No.1. Challan Ex.P29 under Section 173 Cr.P.C. was presented and charge-sheet Ex.P31 was filed for the rash and negligent driving. The injured was

admitted in the hospital with the alleged history of road side accident and seizure memo Ex.P30 was prepared. The compensation assessed by the Tribunal is as under:

S.N.	Head	Amount (Rs.)
1	Pain and suffering	Rs.8,000/-
2	Disability	Rs.60,000/-
3	Medical expenses	Rs.22,000/-
4	Loss of amenities of life/employment and loss of future prospects in lift etc.	Rs.50,000/-
5	Special diet and attendant charges	Rs.10,000/-
	Total	Rs.1,50,000/-

3. The learned counsel for the claimants-appellants has referred to the Disability Certificate Ex.P4 and contends that the compensation awarded by the learned Tribunal is on the lower side and deserves to be reassessed by applying the multiplier method.

4. On the other hand, the learned counsel for the respondents-Insurance Company has vehemently opposed the present appeal.

5 I have heard learned counsel for the parties and perused the record.

6. As per Disability Certificate Ex.P4, the disability of the claimant was assessed to the extent of 30% on account of visibility of left eye nil and right eye normal with history of trauma. The nature of the disability was not permanent because it can/cannot be recovered with the passage of time.

7. The claimant was a young boy of 19 years at the time of accident and he was doing B.Tech from Technical College Jewra, District Hisar. As per the version of Medical Officer, Jindal Hospital, Hisar, the

future prospects of the life of the claimant have been greatly diminished. The compensation requires reassessment by applying multiplier method. The functional disability qua the whole body is taken 30% and claimant was 19 years old young boy at the time of accident, the income of the claimant is taken to be Rs.8,000/- per month; 40% future prospects is to be added.

Reassessment of Compensation:-

8. After going through the contents of the appeal and going through the award passed by the Tribunal, the compensation is required to be re-assessed as under:-

S.N.	Head	Amount (Rs.)
1	Income	Rs.8,000/- per month
2	40% of (i) above to be added as future prospects	Rs.8000+Rs.3200 + Rs.11,200/-
3	Multiplier of 18 applied	(Rs.11,200 X 12x18) =24,19,200/-
4	Disability -30%	Rs.24,19,200x30% =Rs.7,25,760/- -
5	Loss of amenities in life	Rs.1,00,000/-
6	Pain and suffering	Rs.50,000/-
7	Medical Bills	Rs.22,000/-
8	Special Diet	Rs.20,000/-
	Total compensation awarded	Rs.9,17,760/-
	Enhanced amount of compensation	Rs.9,17,760-1,50,000=Rs.7,67,760/-

9. The enhanced amount of compensation of Rs.7,67,760/- shall be payable within a period of forty five days 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, in view of judgment of Hon'ble the Apex Court in ***Civil Appeal No. 4528-2019 titled as Dara Singh @ Dhara Banjara vs. Shyam Singh Varma and ors, decided on 01.05.2019.*** The remaining conditions of disbursal of amount and recovery rights shall remain unaltered.

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

September 17, 2019

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Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(RITU BAHRI)
JUDGE