

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

218

FAO-5110-2015

Date of Decision : September 03, 2019

PALO DEVI

.....Appellant

VERSUS

KARNAIL SINGH AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Ram Kumar Saini, Advocate
for the appellant.

Ms. Swati Batra, Advocate
for respondent No.3.

NIRMALJIT KAUR, J. (Oral)

The present appeal has been filed for enhancement of the amount granted vide award dated 29.4.2015.

It is contended that the awarded amount of Rs.2,60,000/- was on the lower side taking into account that the appellant suffered 80% permanent disability on account of amputation of right thigh and remained admitted in hospital for almost fourteen days and she was operated almost three times.

Learned counsel for the respondent-Insurance Company, however, while opposing the prayer of learned counsel for the appellant submitted that the disability should be taken qua the whole body and in the present case it should be assessed as 40%.

Admittedly, the injured is a housewife and amputation of the

leg would mean that she will not able to do her daily work and duties towards her family and prepare other household chores as efficiently as earlier. In fact, she may even require the help and an attendant for her whole life and keeping in mind the age of the appellant, such an injury is only likely to go worse. Therefore, the disability will have to be taken almost qua the whole body. If it is so, then the appellant-injured is also entitled for the multiplier for which the income should have been assessed. Admittedly, no income was assessed. As per the judgment rendered in the case of **Raj Kumar Vs. Ajay Kumar and another**, 2011 (1) SCC 343, the income of the housewife should be atleast taken as an unskilled labourer. It is also not disputed that at that point of time in the year February 2012, the minimum wages of an unskilled labourer was Rs.4,847/- per month if rounded off is Rs.4800/- per month. Taking into account the age of the injured as 46 years on the date of the accident, the multiplier of 13 should have been applied.

In view of the above, the appellant is entitled to the enhanced amount as per the calculation provided:-

Sr. No.	Head	Amount assessed
1	Income	Rs.4800/- p.m.
2	Functional disability	(4800 x 80% = Rs.3840)
3	Multiplier	3840 x 12 x 13 =Rs.5,99,040/-
4	For pain and suffering	Rs.50,000/-
5	For medical bills, diet and nutrition, transportation and attendant charges	Rs.50,000/-
6	Total	Rs.6,99,040/-
7	Compensation awarded by the Tribunal	Rs.2,60,000/-
8	Differences	Rs.4,39,040/-

Accordingly, the present appeal is allowed to the said extent.
The enhanced amount of Rs.4,39,040/- be deposited within two months from the receipt of certified copy of this order alongwith 6% interest from the date of the claim petition till realization.

However, in case the same is not deposited within two months, the same shall thereafter be deposited alongwith interest @ 12% till payment after the expiry of two months.

September 03, 2019		(NIRMALJIT KAUR)
ajay-1		JUDGE
Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No