

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

-.-

FAO 5889 of 2015 (O&M)

Date of decision: 01.03.2019

Rajinder Singh

.....Appellant

Versus

Sandeep Singh and others

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Vikram Bali, Advocate
for the appellant

Mrs. Vikas Chaudhary, Advocate
for respondent No. 3

-.-

Rekha Mittal, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 24.02.2011.

The Tribunal has awarded Rs.12,31,765.00 (rounded off Rs.12,32,000.00), detailed hereunder:-

-Medical expenses	Rs.1,63,765.00
-80% functional disability	Rs.10,08,000.00

Pains and sufferings

i) Fracture	Rs.10,000.00
ii) Surgeries	Rs.10,000.00
iii) Admission to hospital	Rs.10,000.00
-Transoportation, special diet and attendant	Rs.30,000.00

Counsel for the appellant would argue that though the

Tribunal has assessed loss of future income on account of disability by applying multiplier method but the Tribunal has not extended benefit of increase in income for future prospects and the same may be allowed. The injured remained hospitalized with effect from 26.04.2011 to 07.06.2011 for treatment of fracture femur right that resulted in shortening of right lower limb by 6½ inches with flail right lower limb. It is argued that compensation allowed by the Tribunal in respect of pain and sufferings is on lower side and needs enhancement.

The Tribunal has assessed loss of income by treating claimant to be driver and he being rendered disable to drive the vehicle in future. As a matter of fact, there is no clear much less cogent evidence available on record that the victim was working as driver of Swaraj Mazda with Amar Vikas Enterprises. On the contrary, Ex. P5 is a copy of driving licence in respect of Light Motor Vehicle. The Tribunal has assessed his income at Rs.7,000.00 per month but minimum wage of a skilled worker was approximately Rs.5,000.00 at the relevant time. Taking into consideration the aforesaid, it is difficult to accept contention of the claimant that compensation allowed by the Tribunal is either on lower side or there are justifiable reasons for allowing compensation more than what has been assessed by the Tribunal. The Tribunal has already shown magnanimity in awarding a sum of Rs.10,08,000.00 in respect of 80% disability qua particular lower limb. In this view of the matter, plea of claimant for enhancing compensation is not meritorious and accordingly rejected.

For the aforesaid reasons, the appeal fails and is accordingly

dismissed. As the appeal has been decided on merit, applications for condonation of delay in filing/re-filing the appeal are of academic relevance.

(Rekha Mittal)
Judge

01.03.2019
Mohan Bimbura

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