

FAO No. 704 of 2015 (O&M)

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

FAO No. 704 of 2015 (O&M)

Date of Decision: December 13, 2019

Rashim Verma

..... Appellants(s)

Versus

Jagroop Singh @ Roop Singh and others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ankur Gupta, Advocate
for the appellant.

Mr. Rajesh Verma, Advocate
for respondent no.3.

LISA GILL, J.

This appeal has been filed seeking enhancement of the compensation awarded to the claimant vide award dated 16.09.2014, passed by learned Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as 'the Tribunal).

Claimant filed a petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation on account of infliction of permanent disability due to the injuries suffered by him in the motor vehicle accident, which took place on 08.11.1990. It is pleaded that the claimant lost light of both his eyes in the accident. Learned Tribunal on considering the evidence on record concluded that the accident in question took place due to

the rash and negligent driving of the offending truck bearing registration No. PCL-9917, by its driver Jagroop Singh @ Roop Singh-respondent no.1. Learned Tribunal awarded a sum of Rs.9,11,242/- as compensation to the claimant, which is detailed as under:-

Sr. No.	Heads	Calculations
1.	Notional income @ 3000 p.m.	3,000 x 12 = 36,000 per annum
2.	Income after addition @ 50% on account of future prospects	45,000/- p.a.
3.	Dependency after applying multiplier of 18	45,000 x 18 = 8,10,000/-
4.	Medical bills	36,212/-
5.	Pain and suffering	20,000/-
6.	Special diet	15,000/-
7.	Conveyance charges	10,000/-
8.	Attendant charges	20,000/-
9.	Loss of amenities of life	30,000/-
	Total	Rs. 9,11,242/-

A clerical error in the calculation in award dated 16.09.2014, was corrected by the learned Tribunal, vide order dated 30.05.2015. A certified copy of the order dated 30.05.2015 furnished in Court today by Learned counsel for the insurance company is taken on record, subject to just exceptions. The compensation, after carrying out correction in the calculation, is detailed as under:-

Sr. No.	Heads	Calculations
1.	Disability and loss of income 3000 x 12 + 36,000+50% increase	Rs.54,000/- per annum
2.	Loss of income after applying multiplier of 18	54,000 x 18 = Rs.9,72,000/-

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3.	Medical bills	36,212/-
4.	Pain and suffering	20,000/-
5.	Special diet	15,000/-
6.	Conveyance charges	10,000/-
7.	Attendant charges	20,000/-
8.	Loss of amenities of life	30,000/-
	Total	Rs. 11,03,212/-

Present appeal has been filed seeking enhancement of the aforesaid compensation.

Learned counsel for the appellant does not raise any serious argument for enhancement towards loss of income, however, he submits that meagre compensation has been afforded under other heads, therefore, total compensation be enhanced.

Learned counsel for the insurance company, however, refutes the above said arguments while submitting that just and reasonable compensation has been awarded by the learned Tribunal, which calls for no enhancement. Dismissal of this appeal is prayed for.

I have heard learned counsel for the parties and have gone through the file.

There is no dispute regarding the appellant having unfortunately lost his vision in the motor vehicle accident, which took place on 08.11.1990, due to the rash and negligent driving of the offending truck bearing registration No. PCL-9917, by its driver Jagroop Singh @ Roop Singh-respondent no.1. The claimant at the time of the accident was about 21 years old, claimed to be in the second year of LL.B. besides working as a

press reporter. As no serious challenge has been raised regarding the loss of income, the same is maintained as Rs.9,72,000/-.

The compensation qua the medical expenses incurred i.e. Rs.36,212/- is as per the medical bills proved on record and is maintained. Compensation awarded on account of conveyance charges i.e. Rs.10,000/- and special diet i.e. Rs.15,000/- are also maintained. However, the appellant is held entitled to a sum of Rs.2 lakhs towards pain and suffering instead of Rs.20,000/- awarded by the learned Tribunal. A sum of Rs.1 lakh is awarded for loss of amenities of life instead of Rs.30,000/-. I find merit in the argument raised by learned counsel for the appellant that compensation towards attendant charges also needs to be enhanced. Though, it has come on record that the appellant has subsequently got married and is blessed with two children, it is considered just and expedient to award a sum of Rs.1 lakh towards attendant charges instead of Rs.20,000/-.

Appellant-claimant is, thus, entitled to compensation which is re-worked as under:-

Sr. No.	Heads	Calculations
1.	Disability and loss of income	Rs.9,72,000/-
2.	Medical bills	36,212/-
3.	Pain and suffering	2,00,000/-
4.	Special diet	15,000/-
5.	Conveyance charges	10,000/-
6.	Attendant charges	1,00,000/-
7.	Loss of amenities of life	1,00,000/-
	Total	Rs. 14,33,212/-

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Needless to say, the amount already awarded by the learned Tribunal shall stand deducted from the compensation as detailed above. Claimant shall be entitled to interest at the rate of 7.5% per annum on the entire amount, from the date of filing of the claim petition till realization.

Appeal is accordingly disposed of.

December 13, 2019.

Sunil

**(LISA GILL)
JUDGE**

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