

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

\*\*\*\*

**FAO No.706 of 2015  
Date of Decision: 14.05.2019**

Parvesh Kumar

Appellant

Versus

Purshotam Singh and others

Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. R.K. Saini, Advocate  
for the appellants.

Mr. D.K. Dogra, Advocate  
for respondent No.3.

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**AVNEESH JHINGAN, J (Oral):**

The award dated 04.08.2014 passed by the Motor Accident Claims Tribunal, Kurukshetra [for brevity 'the Tribunal'] has been assailed by the claimant seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 [for brevity 'the Act'].

The factum of accident has not been disputed by the parties. A motor vehicular accident took place on 24.05.2012. The accident was result of rash and negligent driving of the motorcycle bearing registration No. HR-07M-0136 [hereinafter referred to as 'offending vehicle']. The appellant sustained injuries in the said

accident. The injuries resulted in permanent disability. The owner, driver and insurer of the offending vehicle were held jointly and severally liable to pay the compensation. FIR was registered.

In the claim proceedings, it was proved that the appellant was 39 years of age at time of accident. He was working as a Meter Reader with the Health Department. He continued with his service even after the disability suffered. The Disability Certificate was exhibited as Ex.PW-3. To prove te Disability Certificate, Dr. Ankur Dogra and Dr. Anita Goel deposed as PW-2 and PW-3 respectively. The claimants proved the medical expenses incurred. The Tribunal awarded compensation of ₹5,36,108/- alongwith interest @ 7.5% per annum. The detail of compensation awarded is as under:-

|                          |                    |
|--------------------------|--------------------|
| Medical Expenses         | ₹3,11,108/-        |
| Pain & Suffering         | ₹1,00,000/-        |
| For permanent disability | ₹50,000/-          |
| Attendant Charges        | ₹25,000/-          |
| Special Diet             | ₹25,000/-          |
| Transportation           | ₹25,000/-          |
|                          | -----              |
|                          | <b>₹5,36,108/-</b> |
|                          | -----              |

Heard learned counsel for the parties and perused the record.

Learned counsel for the appellant argues that there was 30% permanent disability which was considered as 32% by applying multiplier. He further relied upon the deposition of Dr. Anita Goel, PW-3 wherein she stated that disability was qua whole body. The grievance raised is that multiplier method has not been adopted for awarding compensation with regard to permanent disability.

Learned counsel for the insurer argues that there was no affect on the functional ability of the appellant due to disability suffered by him.

It is not forthcoming from the Certificate that the percentage of disability mentioned is qua the whole body. In order to apply the multiplier method, it would be necessary to have the percentage of disability qua whole body or its affect vis-a-vis the functional ability. The issue only with regard to quantum of compensation is remitted back to the Tribunal to be decided afresh after affording opportunity to the parties to adduce fresh evidence in support of their claims.

The appellant and insurer are directed to appear before the Tribunal on 30.07.2019.

Disposed of accordingly.

**[AVNEESH JHINGAN]**  
**JUDGE**

**May 14, 2019**

*pankaj baweja*

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|-------------------------------|---|-----|
| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable         | : | No  |