

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

FAO No.7599 of 2016 (O&M)
Date of decision: 04.04.2019

Bablesh Kumar ... Appellant

Versus

Jinder Singh and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ankur Gupta, Advocate for the appellant.
Mr. Rajesh K. Sharma, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The victim has filed the appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 28.06.2015 and left him in a vegetative state for the rest of his life.

The Tribunal has awarded Rs.27,99,692/-, detailed hereunder:-

Medical expenses	Rs.11,96,692/-
Loss of future income	Rs.10,20,000/-
Transportation charges	Rs.25,000/-
Special diet	Rs.50,000/-
Pain and sufferings and mental agony	Rs.1,00,000/-
Attendant charges	Rs.4,08,000/-

The lower body below pelvis was amputated rendering the injured 100% disable, proved by Dr. Nitin Garg PW1. The Tribunal has

assessed loss of future income on account of disability by applying multiplier of 17 on monthly loss of income @ Rs.5000/-. Taking a clue from the notification issued by the State of Punjab fixing minimum wage at the relevant time, monthly income of the victim is assessed at Rs.7000/- per month. As appellant has been rendered 100% disable, he is entitle to addition in income for future prospects @ 40%. Multiplier applied by the Tribunal is correct and affirmed. In this manner, loss of future income on account of disability comes to Rs.19,99,200/- $[(7000 \times 12 \times 17) + (40\% \text{ future prospects})]$.

The Tribunal has allowed reimbursement of medical expenses on the basis of bills Exs.P5 to P53 and the same is affirmed.

The appellant needs services of an attendant round the clock. The Tribunal has awarded a sum of Rs.4,08,000/- by quantifying attendant charges @ Rs.2000/- per month and multiplying by 17. Attendant charges would be paid by the victim in due course of time and he would be entitle to interest on the amount of Rs.4,08,000/- allowed by the Tribunal. As such, I do not find justification for increasing compensation qua services of an attendant over and above what has been allowed by the Tribunal.

The Tribunal has awarded Rs.25,000/- for transportation, Rs.50,000/- Special diet and Rs.1 lakh on account of pain and sufferings and mental agony. Taking into consideration nature of injuries sustained, period of treatment and nature and extent of disability, the same are ordered to be affirmed.

The injured has suffered disability on account of amputation of his entire lower part of the body below pelvis. He would be requiring medical assistance from time to time. He is awarded an amount of Rs.50,000/- for future medical treatment. Further, he is awarded sum of Rs.50,000/- for loss of amenities of life and Rs.1 lakh for loss of matrimonial prospects/conjugal bliss. The additional amount of Rs.11,79,200/- shall be payable with interest @ 7.5% per annum from the date of petition till realization.

Perusal of the award reveals that the Tribunal has not made any provision as to how the compensation of approximately Rs.28 lakh allowed to the claimant would be utilised in order to ensure that the compensation allowed to the victim is actually used for his welfare and future needs. In the circumstances, the entire additional compensation assessed by this Court shall be invested in a fixed deposit. Interest accruing on FDR shall be payable to the claimant for meeting his needs.

The appeal is partly allowed in the aforesaid terms.

04.04.2019
ashok

(REKHA MITTAL)
JUDGE

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