

FAO-7634 of 2016(O&M)

Date of Decision:2.7.2019

Rambai

---Appellant

versus

Pardeep Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Gopal Sharma, Advocate
for the appellant

Mr. Gopal Mittal, Advocate,
for the insurance company

Rekha Mittal, J.

Rambai, the claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 31.3.2015.

The Tribunal awarded Rs. 2,10,000/-, detailed hereunder:-

Expenses qua hospitalization and treatment	Rs. 1,58,800/-
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Loss of income on account of disability	Rs. 40,000/-
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Special diet, transportation etc.	Rs. 11,200/-
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The injured was 65 years old at the time of occurrence. She suffered disability to the extent of 29% qua left lower limb i.e. mild restricted movement of left ankle 9%, partial loss of stability 15%, pain 2%, malunion 2% and scamp 2%. There is no medical opinion as to how this disability is to be considered for assessing functional disability. The Tribunal has awarded a sum of Rs. 40,000/- @ Rs. 2000/- per percent of 20% functional disability. Taking into consideration age of the victim

coupled with her income to be assessed as a house maker, the claimant would not be the gainer even if loss of future income is assessed by applying multiplier method. Accordingly, compensation of Rs. 40,000/- assessed by the Tribunal in respect of future loss of income is affirmed.

The Tribunal has not awarded any compensation for pain and sufferings. Claimant has been awarded a sum of Rs. 11,200/- for special diet, transportation etc. In view of materials on record, the claimant is awarded additional sum of Rs. 20,000/- for pain and suffering, services of an attendant etc., that shall carry interest @ 7.5% per annum from the date of petition till realization.

In view of what has been discussed hereinbefore, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

2.7.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No