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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3726-2017
Date of Decision: September 04, 2019

Parminder Singh .....Appellant

Versus

Honey Goyal and others ......Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Rohit Kumar, Advocate for the appellant.

Ms.Mona Goyal, Advocate for respondent Nos.1 and 2.
Mr.Gopal Mittal, Advocate with
Mr.Munish Goel, Advocate for respondent No.3.

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NIRMALJIT KAUR, J. (ORAL)

Learned counsel for the appellant while praying for enhancement of the compensation of ₹5,16,000/- granted by the Motor Accident Claims Tribunal, Bathinda vide Award dated 26.10.2016 contended that the disability in the present case is admittedly 100% and only ₹2.00 lacs has been awarded under that head. In the case of 100% injury, the income of the injured should have been assessed and multiplier should be accordingly applied, which has not been done in the present case. It is further stated that medical bills of ₹25,000.00 were not taken into consideration and no reasoning for the same has been given. It is further argued that amount of ₹15,000/- and ₹25,000/- granted under the heads 'Pain and Suffering' and 'Special Diet' respectively, is on the lower side.

Learned counsel for the respondent-Insurance Company does not dispute the well settled proposition of law with respect to the compensation to be enhanced towards income and multiplier and that multiplier of 18 is to be applied as per the well settled proposition of law rendered in the case of **Raj Kumar** vs **Ajay Kumar and anothers,** 2011(1) SCC 343. However, he disputes the prayer with respect to the enhancement towards medical bills, as the same has been awarded correctly.

Heard learned counsel for the parties.

A perusal of the order dated 26.10.2016 shows that the Tribunal has gone into detail with respect to the evidence led towards the medical bills. Whatever was proved has been duly granted. An amount of ₹2,66,000/- was granted towards medical expenses. Hence, appellant is not entitled to any further enhancement under this head. However, there is merit in the argument for enhancement towards the loss of income due to permanent disability, even if the minimum wages are taken into consideration. It is not disputed that at that point of time, the minimum wages of unskilled labour was ₹5,695/- in the year 2013. In case the same is rounded of, it amounts to ₹5,600/-. The claimant, being 21 years of age, is entitled to the multiplier of 18. However, this Court is not inclined to enhance the amount under the heads 'Pain and Suffering' and 'Special Diet' being sufficient.

In view of the above, the following amount is calculated as per the calculations provided hereunder:

Head	Amount
Income	₹5600.00
Annual Income	₹5600.00 x 12 = ₹67200.00
Multiplier	18
Total	₹12,09,600.00 (₹67200.00 x 18)
Amount already granted under the head disability	₹2,00,000.00
Difference of amount, to be granted	₹10,09,600.00 (₹12,09,600.00- ₹2,00,000.00)

The total amount of ₹12,09,600.00, as per the above calculation has to be awarded to the appellant-claimant. Therefore, after deducting the amount already granted to the appellant-claimant under the head 'Disability', he is entitled to the enhanced amount of ₹10,09,600.00 (₹12,09,600.00-₹2,00,000.00). The said amount be paid to the appellant-claimant alongwith interest @ 6% per annum from the date of filing of the claim petition in the same terms as held by the Tribunal within two months from the date of receipt of a certified copy of this order. In case the said amount is not deposited within two months from the date of receipt of a copy of this order, the same shall be deposited alongwith interest @ 12% from the expiry of the said two months.

Disposed of accordingly.

September 04, 2019 **(NIRMALJIT KAUR)**
meenuss **JUDGE**

1. Whether speaking/reasoned ? Yes/No
2. Whether reportable ? Yes/No