IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO No.3239 of 2011 (O&M)
Date of decision: 03.10.2019

Daljit Puri ... Appellant

Versus

Mohinder Singh and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. GL Bajaj, Advocate for the appellant.
Mr. Puneet Sharma, Advocate for
Mr. Sandeep Saini, Advocate for the insurance company.

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REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 05.02.2004.

The Tribunal awarded Rs.11,67,686/- (rounded off to Rs.11,68,000/-), detailed hereunder:-

Medical attendance	Rs.3,73,686/-
loss of earning	Rs.1,14,000/-
other material loss	Rs.4,80,000/-
Mental and physical shock, pain and sufferings	Rs.50,000/-
Loss of amenities of life	Rs.50,000/-
Loss of expectation of life	Rs.50,000/-
Inconvenience, hardship, discomfort, disappointment, frustration and mental stress in life	Rs.50,000/-

Counsel for the appellant would argue that as the injured has suffered disability to the extent of 65% in respect of both the legs proved by Dr. Makhan Singh, Senior Medical Officer, PHC, Sherpur CW1, he is entitle to additional compensation for loss of future income. It is further argued that injured remained under treatment for a period of about three years and he may be allowed total loss of income during period of treatment and recovery.

Counsel representing the insurance company, on the contrary, would argue that the claimant is adequately compensated and there is no justification for allowing additional compensation.

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The appellant is present in the Court and uses a stick for walking as he sustained injuries on both legs resulting in disability to the extent of 65%. The Tribunal has assessed future loss of income by considering his income at Rs.6000/- per month and allowing benefit @ Rs.2500/- per month. There is no scope for allowing additional compensation with regard to loss of earning upto date of trial or loss of future income on account of disability. Counsel for the appellant would apprise the Court that the injured could not perform marriage on account of disability incurred in the accident. The Tribunal has shown magnanimity in allowing compensation under non-pecuniary losses. However, taking into account that the claimant could not perform marriage on account of disability, he is awarded additional sum of Rs.20,000/- payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

03.10.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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

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