

**241(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO No.5909 of 2018 (O&M)
Date of Decision: 03.09.2019

Lila Wanti

.....Appellant

Versus

Tarsem Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Sandeep Singh Josan, Advocate
for the appellant.

NIRMALJIT KAUR, J. (ORAL)

CM-20789-CII-2018

For the reasons mentioned in the application, the same is allowed and the delay of 42 days in refiling of the appeal is condoned.

Main Case

Issue notice of motion.

Mr. Vinod Gupta, Advocate accepts notice on behalf of the respondent/insurance company.

The present appeal has been filed for enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Ludhiana (for short, the Tribunal), vide award dated 07.11.2017.

Learned counsel for the appellant while praying for enhancement of compensation submitted that the injured has suffered 70% permanent disability but only ₹50,000/- has been awarded towards the same, whereas, he is entitled to ₹1,40,000/- by taking ₹2,000/- towards per percentage as per the judgment rendered by Hon'ble Division Bench of this Court in case **“Ram Kiran Goyal Vs. Sub Divisional Engineer,**

Mechanical and others, LPA No.1149 of 2001, decided on 06.02.2008”. It

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is further stated that he is also entitled to multiplier of 5 keeing in mind that her age is 70 years and her income was to be assessed as ₹5,000/- per month.

Learned counsel for the respondent/insruance company is not able to dispute the same as per the aforesaid judgment and the judgment rendered by Hon'ble Apex Court in **“Sarla Verma and others Versus Delhi Transport Corporation and others, 2009 (3) RCR (Civil) 77.”**

In view of the admitted position, the compensation is now re-assessed as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Income	₹5,000/- per month (5000 x 12 = 60000 per annum)
2	Multiplier	5
3	70% Permanent disability	₹1,40,000/- (₹2000/- x 70%)
4	Compensation	₹60000 x 5 x 70/100 = ₹2,10,000/-
5	Hospitalization charges	₹1,66,784/-
6	Loss of income for remaining under treatment for 4 months	₹15,000/-
7	Pain and sufferings:- Fractures Surgeries Admission in hospital for 42 days	₹10,000/- ₹10,000/- ₹15,000/-
8	Reduction in life expectancy	₹10,000/-
9	Loss of amenities	₹10,000/-
10	Attendant Charges 4 months @ ₹3,000/- per month	₹12,000/-
11	Transportation Charges	₹10,000/-
12	Special Diet	₹15,000/-
13	Total	₹6,23,784/-
14	Compensation awarded by the Tribunal	₹3,24,000/-
15	Differences	₹623784 – 324000 = ₹2,99,784/-

Thus, the enhanced compensation of ₹2,99,784/- be paid to the appellants within two months from today alongwith 6% interest per annum from the date of filing of claim petition. In case the said amount is not paid within two months, the same shall be paid thereafter alongwith 12% interest from the expiry of the period of two months.

The appeal is disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

03.09.2019
sandeep

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No