

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

**FAO No. 661 of 2016(O&M)**

**Date of decision: 5.9.2019**

Usha Rani

.....Appellant

VERSUS

Surender Singh and others

.....Respondents

**CORAM:**    **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present:     Mr. Chetan Kapoor, Advocate for the appellant.

Ms. Vandana Malhotra, Advocate for respondent No.3.

Mr. B.S. Taunque, Advocate for respondent No.5.

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**REKHA MITTAL, J. (Oral)**

Claimant is in appeal seeking enhancement of compensation, awarded by the Motor Accidents Claims Tribunal, Karnal (in short 'the Tribunal'), on account of injuries sustained in a motor vehicular accident that took place on 10.02.2008.

The Tribunal awarded Rs.96,077/- represented in a tabulated form in para 33 of the award.

The sole submission made by counsel for the appellant is that injured suffered permanent physical disability to the extent of 10% but the Tribunal has computed it to the tune of 5% qua the whole body but has awarded a paltry sum of Rs.10,000/- at the rate of Rs.2,000/- per percent. It is argued that in view of nature and extent of disability suffered by the victim, she may be allowed future loss of income by applying multiplier method. In addition, it is argued that compensation for pain and sufferings allowed by the Tribunal is on lower side.

Counsel representing the insurance companies would argue that there is no justification for allowing additional compensation.

The Tribunal, in para 27 of the award, has noticed that injured was employed as Peon in S.D. Girls Senior Secondary School, Karnal at salary of Rs.7157/- per month and she remained on leave from 10.02.2008 to 30.06.2008. Vikash PW-5, a witness from the aforesaid school was examined and proved salary certificate Ex.P24. Counsel for the appellant, in response to a query, would fairly concede that no such fact has been elicited in testimony of Vikash that during the period of leave, claimant was not paid salary by the school. There is nothing on record suggestive of the fact that due to sustaining of injuries in the accident rendering the claimant disable to the extent of 10% proved by Dr. Vinod Kamal, as per disability certificate Ex.P23, claimant has been deprived of her job as a Peon in the aforesaid school. In the given circumstances, claimant cannot assert for loss of future income by applying multiplier method. The Tribunal has awarded Rs.10000/- on account of disability. The claimant shall be entitle to another sum of Rs.15,000/- for loss of amenities of life. Compensation awarded by the Tribunal with regard to pain and sufferings is increased to Rs.15,000/- (additional amount Rs.5000/-). In this manner, claimant shall be entitle to additional amount of Rs.20,000/- payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

**SEPTEMBER 5, 2019**

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

**(REKHA MITTAL)**

**JUDGE**

yes/no

yes/no