

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

214

FAO No.2812 of 2015 (O&M)

Date of decision: 27.01.2020

DHARAM SINGH

... Appellant

Versus

GURJANT SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vikram Preet Arora, Advocate for the appellant.
Mr. Raj Kumar, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

CM No.8711-CII of 2015

Heard.

Allowed as prayed for. Delay of 48 days in filing the appeal stands condoned.

Main Case

The claimant is in appeal seeking additional compensation on account of injuries sustained in a motor vehicular accident that took place on 22.03.2013.

The Tribunal awarded Rs.3,35,845/-, detailed hereunder:-

Loss of income	Rs.15,000/-
Medical expenses	Rs.8845/-
Attendant charges	Rs.20,000/-
Special diet	Rs.20,000/-
Pain and sufferings	Rs.50,000/-
Loss of amenity for 60% disability	Rs.60,000/-
Loss of earning capacity	Rs.1,62,000/-

Counsel for the appellant would contend that income of the victim assessed is on lower side and needs enhancement. No compensation has been allowed for future medical treatment.

Counsel representing the insurance company, on the contrary, would argue that the injured was more than 60 years of age, therefore, multiplier applied by the Tribunal for computing future loss of income needs modification.

The accident took place on 22.03.2013 and injured was discharged from PGI, Chandigarh on 25.03.2013. The Tribunal has allowed

loss of entire income during the period of treatment and recovery for a period of three months. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, income of the victim is assessed at Rs.5700/- per month. In this manner, loss of income during treatment and recovery is assessed at Rs.17,100/- (5700 x 3) (additional amount of Rs.2100/-).

The contention of insurance company that victim was more than 60 years of age does not find corroboration from any evidence on record. The injured suffered amputation of right leg below knee and disability has been assessed to the tune of 60%. As income of the victim has been assessed by treating him as a labourer, functional disability is considered @ 40%. Accordingly, future loss of income on account of disability is assessed at Rs.2,46,240/- (5700 x 40% x 12 x 9). Compensation allowed under other heads is correct and affirmed.

Total compensation is Rs.4,22,185/- and additional amount is Rs.86,340/- (4,22,185 – 3,35,845), payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

27.01.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No