

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

214

FAO-952-2014 (O&M)

Date of decision: 07.01.2020

KALU @ KALLU SINGH

... Appellant

Versus

RAJESH & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rakesh Dhiman, Advocate for the appellant.
None for respondents No.1 and 2.
Mr. Subhash Goyal, Advocate for the insurance company.

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 22.12.2011.

The Tribunal awarded Rs.2,54,070/- (rounded off to Rs.2,54,100/-), detailed hereunder:-

Future loss of income on account of disability	Rs.30,240/-
Reimbursement of medical expenses	Rs.1,93,830/-
Transportation charges	Rs.10,000/-
Pain and sufferings	Rs.20,000/-

Counsel for the appellant would argue that in view of age of the victim and extent of disability suffered, future loss of income may be allowed by extending benefit of future prospects. It is further argued that no compensation has been allowed with regard to loss of amenities of life, matrimonial prospects, services of an attendant and special diet.

Counsel representing the insurance company, on the other hand, has supported assessment made by the Tribunal with a submission that Tribunal has shown magnanimity in awarding future loss of income by applying multiplier method despite the fact that Dr. Subhash Sindhu PW5 had stated that disability is likely to be reduced to 2% with physiotherapy.

I have heard counsel for the parties, perused the paper book particularly the award.

The Tribunal has allowed reimbursement of medical expenses on the basis of documentary evidence as the injured remained admitted in

the hospital from 22.12.2011 to 12.01.2012 and 17.02.2012 to 22.02.2012, the same is affirmed.

The injured suffered fracture tibia and medial malleolus, deposed by Dr. Sanjay Kapoor of KK Health Care Center PW3. The claimant is awarded Rs.15,000/- for services of an attendant and special diet.

The claimant has suffered disability to the extent of 7% proved by Dr. Subhash Sindhu. As has been rightly argued by counsel for the insurance company, it was opined by the doctor that disability would be reduced to 2% with physiotherapy. The Tribunal has assessed future loss of income by computing functional disability to the extent of 3½ %. In the given circumstances, there is no justification for allowing additional compensation with regard to future loss of earning on account of disability.

Indisputably, the claimant was 18 years old at the time of unfortunate occurrence. He has suffered disability of permanent nature on account of sustaining fracture. He is awarded Rs.20,000/- for loss of amenities of life and matrimonial prospects. In this manner, the additional amount of Rs.35,000/- shall be payable with interest @ 7.5% per annum from the date of petition till realization.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

07.01.2020
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No