

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

225

FAO-8643-2015 (O&M)

Date of decision: 02.03.2020

DEEPAK

... Appellant

Versus

JOGENDER @ JOGI AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. VD Sharma, Advocate for the appellant.
Mr. Varun Sharma, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking additional compensation on account of injuries sustained in a motor vehicular accident that took place on 30.04.2014.

The Tribunal awarded Rs.7,53,000/-, detailed hereunder:-

Medical expenses	Rs.2,60,000/-
Compensation on account of disability	Rs.2,00,000/-
Loss of future earnings	Rs.2,00,000/-
Physical pain and mental agony	Rs.25,000/-
Loss of income	Rs.18,000/-
Attendant, special diet and transport expenses	Rs.50,000/-

Counsel for the appellant would argue that the injured aged about 20 years incurred disability to the tune of 80% due to amputation of right thigh at middle part. It is argued that Tribunal has awarded a paltry sum of Rs.2 lakh @ Rs.2500/- per percent in place of awarding adequate compensation for future loss of income by applying multiplier method. Further argued that Tribunal has not allowed any compensation for loss of amenities of life and matrimonial prospects.

The Tribunal has awarded Rs.2,60,000/- for reimbursement of medical expenses based upon documentary evidence, the same is affirmed. The injured remained hospitalised in Sapra Hospital, Hisar from 30.04.2014 to 19.5.2014 and again on 30.05.2014 to 03.06.2014. He also remained admitted in Civil Hospital, Jind from where he was referred to PGIMS, Rohtak and then shifted to Sapra Hospital, Hisar. The injured is a resident of

village Dhatrath, Tehsil Safidon, District Jind. Taking into consideration the period of hospitalisation and distance between village of the injured and place of treatment at Hisar, the claimant is allowed additional amount of Rs.20,000/- for attendant, special diet and transportation.

The injured remained admitted in the hospital for the aforesaid period and injury rendered him disable to the extent of 80%. The Tribunal has allowed loss of income during the period of treatment for a period of three months. Keeping in view the above, the claimant is awarded loss of income during the period of treatment and recovery for 5 months @ Rs.6000/- per month and as such, he shall be entitle to additional sum of Rs.12,000/- under this head. He shall also be entitle to additional amount of Rs.25,000/- for physical pain and mental agony.

The injured has been rendered disable to the extent of 80% on account of amputation of right thigh at middle part. He was a young boy of 20 years at the time of unfortunate occurrence. His income has been assessed by treating him as unskilled worker. The entire disability incurred by the claimant shall be taken into consideration for assessing future loss of income by adopting multiplier method. Accordingly, future loss of income is assessed at Rs.10,36,800/- ($6000 \times 12 \times 18 \times 80\%$). Compensation to the tune of Rs.4 lakh allowed by the Tribunal on account of disability and future earning shall be adjusted out of future loss of income assessed by this Court. The claimant is awarded Rs.1.5 lakh for loss of amenities of life and matrimonial prospects.

Total compensation is Rs.15,96,800/- and additional amount is Rs.8,43,800/- ($15,96,800 - 7,53,000$) payable with interest @ 7.5% per annum from the date of petition till realization, to be invested in fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

02.03.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No