

The amount of compensation along with interest @ 7.5% p.a. was ordered to be paid jointly and severally by the respondents.

Learned counsel for the appellant submits that the compensation awarded is exorbitant and thus, deserves to be reduced. It has been submitted that no doubt claimant-injured, who was a truck driver, did receive serious injuries including amputation of his leg, however, the Tribunal erred in taking his income as Rs.20,000/- per month without any evidence being led by the claimant in support thereof that he was even earning Rs.20,000/- per month. Learned counsel further submits that the minimum prevailing wages for the relevant period for the truck driver as per the government notification was Rs.11,517/- per month and hence, the compensation awarded was required to be scaled down accordingly. It is also submitted that the Tribunal failed to take into account the deposition of PW-3 Dr. Anuj Mangla, who categorically deposed that despite the amputation of the right thigh of the claimant-injured, he would still be in a position to manage his work and walk with the help of an artificial limb.

Heard learned counsel and perused the relevant material available on record.

This Court is unable to agree with the submissions made by the learned counsel for the appellant. The claimant-injured admittedly was a truck driver and hence, he was rightly treated as a skilled person. Still further, it also stood proved on record that the injured-claimant besides driving heavy motor vehicles, was the owner of two trucks bearing registration No.HR-58B-9883 and HR-58B-4378, which he was managing all by himself. No doubt, Dr.Anuj Mangla, PW-3 did depose that despite 80% permanent disability suffered by the claimant-injured, he would still be in a position to walk with the help of an

artificial limb, however, this Court cannot lose sight of fact that on account of permanent disability, to the extent of 80%, suffered by the claimant-injured, he would remain handicapped for the rest of his life and would not be able to drive his own trucks, which he had been driving prior to the accident in question and would naturally have to employ a driver(s) for them. In addition, he would not be as agile as he was prior to the accident in question and with the passage of time, his personal disability would continue to effect his quality of life in the years to come due to the injuries suffered in the accident.

As a sequel to the above, the instant appeal being devoid of any merit, stands dismissed.

14.07.2022
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No