

**219-2 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-6584-2012(O&M)

Date of decision: 19.05.2022

Gulab Singh (since deceased) through his LRsAppellants

Versus

Sombir @ Sonu and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Chetan Kapoor, Advocate for the claimants
Mr. Ravinder Arora, Advocate for the IFFCO TOKIO
General Insurance Company

ANIL KSHETARPAL, J (Oral)

CM-11362-CII-2019

Allowed as prayed for, subject to all just exceptions. Legal representatives of deceased appellant-Gulab Singh, as mentioned in para 3 of the application, are permitted to be brought on record, for the purpose of prosecuting the present appeal.

Main case

The claimants assail the correctness of the award dated 26.09.2011, passed by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal').

Gulab Singh (on being involved in an automobile accident) has lost his left leg, above the knee. The Tribunal has assessed the compensation for permanent disability to be paid at the rate of 80%. Sh. Gulab Singh was stated to be working as driver. Now, as he lost his leg in the said accident, he cannot work as a driver. Hence, the Tribunal has erred in calculating dependency of Sh.Gulab Singh at 80% only. The Tribunal has assessed the income at Rs.4000/- per month.

The said accident took place on 15.05.2008.

Keeping in view the aforesaid facts, the compensation is re-assessed as under:-

Treatment including medicines	Rs.1,00,000/-
Disability	Rs.5,00,000/-
Loss of income/work	Rs.4000x12= 48000
Multiplier applied	48000x15 = 7,20,000/-
Pain and suffering	Rs.50,000/-
Transportation, special diet and future expenses	Rs.50,000/-.

Accordingly, the following table is drawn to workout the amount of revised compensation awarded by this Court:-

Heads	Compensation awarded by the Tribunal	Compensation awarded by this High Court
Treatment in Medical	Rs.25,000/-	Rs.1,00,000/-
Disability	Rs.3,60,000/-	Rs.5,00,000/-
Loss of work/income	Rs.24,000/-	Rs.4000/- per month 4000x12= 48000 Multiplier = 15 48000x15 = 7,20,000/-
Pain and suffering	Rs.20,000/-	Rs.50,000/-
Transportation, Special Diet,	Rs.10,000/-	Rs.50,000/-
Total	Rs.4,40,000/-	Rs.14,20,000/-

The claimants are held entitled to enhanced amount of Rs.9,80,000/- alongwith the interest @ 8% per annum from the date of filing of the claim petition till its realization.

Hence, the appeal filed by the claimants is allowed.

All the pending miscellaneous applications, if any, are also disposed of.

19.05.2022
rekha
Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(ANIL KSHETARPAL)
JUDGE