

240

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

FAO-8819-2014 (O&M)

Date of Decision: 26.05.2022

Tejinder Singh

...Appellant

Versus

Gian Gir and others

....Respondents

CORAM :- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Ashok Bector, Advocate
for the appellant.

Mr. Ramneek Vasudeva, Advocate
for respondents No.1 and 2.

Mr. Harsh Aggarwal, Advocate
for respondent No.3.

MANJARI NEHRU KAUL, J.

This is the claimant's appeal to impugn the award passed by the learned Motor Accident Claims Tribunal, Fast Track Court, Rupnagar, wherein, the following compensation was awarded to the claimant-appellant on account of the injuries suffered by him in a Motor Vehicular Accident, which took place on 09.04.2013 :-

Medical Bills Rs.	3,45,419/-
Loss of 25% income	4,86,000/-
For loss of enjoyment of life	1,50,000/-
Total in all	9,81,419/-

The appellant is seeking modification and enhancement of the compensation awarded to him vide impugned award primarily on the grounds that in the accident in question, the claimant suffered multiple fractures on his left leg and his right leg was crushed. Resultantly, his right

leg was amputated above knee. The permanent disability assessed on account of the amputation of his right leg was to the extent of 70%. Learned counsel submits that the Tribunal, while awarding the compensation, failed to appreciate that the claimant was 22 years old un-married boy. He was plumber by profession and on account of the permanent disability suffered by him in the accident, in question, it had affected his livelihood as he would not be able to continue working as Plumber. Learned counsel further submits that the Tribunal had not even taken into account the pain and suffering, which he underwent after the accident in question and which he would continue to suffer for the rest of his life. Not only this, his marriage prospects on account of his permanent disability had also diminished. Thus, the compensation awarded requires to be re-assessed and enhanced after taking all the aforementioned factors into account.

Learned counsel for respondent No.3-Insurance Company, while opposing the prayer and submissions made by learned counsel for the appellant submits that the amount of compensation awarded is adequate and just, which does not warrant any interference as the Tribunal had taken care of the permanent disability suffered by the claimant as well as all the future medical expenses, which he may have to incur.

I have heard learned counsel for the parties and perused the relevant material on record.

This Court has no hesitation in concurring with the submissions made by learned counsel for the appellant-claimant that the compensation awarded is grossly inadequate and thus requires reassessment as per the settled law in *National Insurance Co. Vs. Pranay Sethi : 2017 SCC 270*;

Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr. : (2009) 6 SCC 121 and Pappu Deo Yadav vs Naresh Kumar and others 2020(4) RCR (Civil) 404.

Since the injured admittedly was a plumber, he was rightly treated as a skilled worker. As per the notification by the State Government, the minimum wages in respect of skilled worker for the relevant period was notified as Rs.7372/- p.m. This Court, therefore, is of the opinion that the monthly income assessed by the Tribunal requires to be modified from Rs.6,000/- to Rs.7372/-. The correct multiplier applicable in the case of the appellant-claimant would be `18` as per settled law. The appellant-claimant would also be entitled to 40% for future prospects in view of settled law in *Pranay Sethi's case (supra)*.

In view of the nature of vocation of the appellant-claimant as well as the injuries sustained by him i.e. amputation of right leg, the permanent functional disability is assessed at the rate of 70%. The appellant-claimant has also produced medical bills (Exhibits P-5 to P-42) to the tune of Rs.3,45,419/-.

Resultantly, the compensation awarded to the appellant-claimant is reassessed as under :-

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
1	Monthly income	Rs.7372/-
2	Annual income	Rs.7372/-x12=Rs.88,464/-
3	Future prospects	40%
4	Total income including future prospects	Rs.88,464/- + Rs.35,386/- = Rs.1,23,850/-
5	Multiplier	18
6	Permanent disability	70%

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
7	Total loss of future earnings	Rs.1,23,850/- x 18 x 70% = Rs.15,60,510/-
8	Medical expenses	Rs.3,45,419/-
9	Future medical expenses	Rs.2,50,000/-
10	Pain, suffering and loss of amenities	Rs.5,00,000/-
11	Loss of marriage prospects	Rs.2,50,000/-
12	Conveyance charges and attendant charges	Rs.50,000/-
13	Special diet charges	Rs.25,000/-
14	Total compensation	Rs.29,80,929/- (rounded off to Rs.29,81,000/-

The appellant-claimant is, therefore, held entitled to a total of Rs.29,81,000/- as compensation along with interest at the rate of 9% per annum from the date of filing of the claim petition till its realization.

With the aforementioned modifications, the instant appeal stands disposed of.

(MANJARI NEHRU KAUL)
JUDGE

May 26, 2022
gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No