

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

266

FAO-6153-2017

Date of decision: 17.08.2022

Pardeep

.....Appellant

Versus

Arun Kumar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. B.S. Mamli, Advocate for the appellant.

MANJARI NEHRU KAUL, J. (ORAL)

The injured claimant is before this Court to impugn the following compensation which was awarded to him by the learned Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhri (for short, 'the Tribunal') on account of the injuries received by him in a Motor Vehicular Accident which took place on 03.03.2013:-

Sr. No.	Head	Amount
1.	Compensation on account of treatment etc.	Rs.95,118/-
2.	Compensation on account of hospitalization	Rs.24,000/-
3.	Compensation on account of pain and suffering	Rs.40,000/-
4.	Compensation on account of disability	Rs.14,000/-
5.	Compensation on account of loss of income	Rs.16,806/-
	Total Compensation	Rs.1,89,924/-

Learned counsel has vehemently argued that the compensation awarded was grossly inadequate and deserved to be enhanced as the Tribunal failed to appreciate that the claimant suffered four fractures on his left leg and for which he had to even undergo

surgery. He submitted that the Tribunal ought to have granted compensation to the claimant in the sum of at least Rs.1,50,000/- for the expenditure incurred by him on his treatment and another sum of Rs.50,000/- as compensation for his hospitalization. It was submitted that the appellant was a 19 year old boy, who had suffered 7% permanent disability in his leg as a result of which he had difficulty while moving around, he should have been adequately compensated by the learned Tribunal which was, however, not done. Still further, he submitted that since the appellant had incurred loss of income due to the injuries, the compensation awarded required to be enhanced to at least Rs.10 lakhs.

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

This Court does not find any merit in the submissions made by the counsel for the appellant. The accident in question took place in the year 2013. The compensation awarded to the appellant qua his and hospitalization is on the basis of the medical bills including the fees of the doctors produced before the Tribunal etc. The compensation awarded under the heads of pain and suffering in the sum of Rs.40,000/- also comes across as being just and reasonable and cannot be said to be on the inadequate. The claimant claims himself to be a weldor. In the circumstances, this Court fails to comprehend as to how the disability to the extent of 7% (restricted left knee movement), would create any hurdle in his work and his income. The compensation awarded for the disability suffered by the appellant thus does not warrant any interference. It needs to be observed that even though no

evidence was led by the appellant in support of his avocation/profession or his income still the learned Tribunal awarded compensation to the appellant by treating him as a skilled worker. The minimum wages notified by the State Government with respect to a skilled worker for the relevant period was Rs.5,602/- per month and hence the Tribunal cannot be faulted with for awarding Rs.16,806/- towards loss of income to the appellant.

As a sequel to the above, finding no merit in the instant appeal the same is dismissed.

17.08.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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