

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.670 of 2014

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1. Reena Shukla, Wife of Shekhar Kumar Shukla
 2. Shristi Shukla
 3. Shreya Shukla Both daughters of Shekhar Kr. Shukla & Reena Shukla and both under guardianship of their mother Reena Shukla,
All residents of Qr. No. M-35/39 Telco Colony, P.S.- Telco, Jamshedpur,
District- East Singhbhoom, at present residing at C/O Sri S.P. Shukla, Ram Ratan Lane, Adampur, P.S.- Bhagalpur, District- Bhagalpur.
- Appellants

Versus

1. The New India Assurance Company Limited through Main Branch Manager, Kamani Centre, Bistupur, Jamshedpur, East Singhbhoom
 2. Ms. Thakkar Transport and Company, 34/35 Mills and Godown Area, Burma Mines, Jamshedpur, East Singh
- Respondents

with

Miscellaneous Appeal No. 751 of 2014

Arising Out of PS. Case No.- Year-1111 Thana- District-

The New India Assurance Company Ltd., through Sri Shyama Kant Jha posted as Assistant Manager (Legal Section) at Regional Office, 6th & 7th Floor, BSFC Building, Fraser Road, Patna

... .. Appellant

Versus

1. Reena Shukla, wife of Shekhar Kumar Shukla.
2. Sristhi Shukla, age 11 years, daughter of Shekhar Shukla and Reena Shukla
3. Shreya Shukla, age 6 years, daughter of Reena Shukla and Shekhar Shukla 2 and 3 are minors through their mother, Reena Shukla, Claimant No.1 .. Respondent No.1 all 1 to 3 are residents of Qr. No. M- 35/ 39, Telco Company, P.S.- Telco Jamshedpur, District- East Singhbhoom At present residing at Ram Ratan Lane, Adampur, P.S.- Bhagalpur, District- Bhagalpur
4. M/s Thakkar Transport and Company, 33/35, Mills and Godwon Area, Verma Mines, Jamshedpur, East Sing

... .. Respondents

Appearance :

(In Miscellaneous Appeal No. 670 of 2014)

For the Appellant/s : Mr. Madan Mohan, Advocate

For the Respondent/s : Mr. Vikash Chandra Srivastava, Advocate

(In Miscellaneous Appeal No. 751 of 2014)

For the Appellant/s : Mr. Vikash Chandra Srivastava, Advocate

For the Respondent/s : Mr. Madan Mohan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT



Date : 06-02-2023

These two miscellaneous appeals have been heard together and are being disposed of with consent of learned counsel for the parties by this common judgment.

M.A. No. 670/2014

2. This appeal has been filed by the claimants-appellants seeking enhancement in the compensation amount awarded to the claimants by the learned Ad hoc Additional District Judge – III – Motor Accidents Claim Tribunal, Bhagalpur (hereinafter referred to as the ‘Tribunal’) in M.A.C. No. 113/2012/Tr. Case No. 38/2012. By the impugned judgment dated 30.01.2014 and award dated 26.07.2014, the learned Tribunal has awarded a compensation of Rs. 12,13,840/- to appellant no. 1, Rs. 3,05,000/- to appellant no. 2 and Rs. 2,95,000/- to the appellant no. 3. The Tribunal has also awarded interest @ 7% per annum on the compensation amount from the date of filing of the claim till the date of payment.

M.A. No. 751/2014

3. This appeal has been preferred by the Insurance Company (opposite party no. 1) for setting aside the judgment dated 30.01.2014 and the award dated 26.07.2014 passed by



learned Tribunal in M.A.C. Case No. 113/2012/Tr. Case No. 38/2012.

Brief facts of the case

4. The claimants filed the claim case before the Tribunal alleging that on 21.05.2004 while going to market on the Hero Honda and Hero Puch, they were dashed by a speeding truck bearing no. BPH-7037. It was alleged that the truck driver was driving the truck rashly and negligently. In the said accident Rajesh Kumar Mishra (brother of claimant no. 1) and his friend namely, Sujit Kumar Sen who were driving the vehicles died. The claimant no. 1 and her two minor daughters aged about 11 years and 6 years respectively who are appellant nos. 2 and 3 suffered permanent disability.

5. The transport owner did not appear in the Tribunal to contest the case. The insurance company (O.P. No.1) however filed an application under Section 170 of the Motor Vehicles Act, 1988 (hereinafter referred to as the 'Act of 1988') and the learned Tribunal allowed the same. The insurance company, therefore, contested the claim. The learned Tribunal has in ultimate analysis adjudicated the claim and appellant no. 1 has been awarded a compensation of Rs. 12,13,840/- whereas appellant no. 2 and 3 have been allowed Rs. 3,05,000/- and Rs. 2,70,000/- respectively.



These payments have been directed to be made with interest at the rate of 7% per annum from the date of filing of the claim case within a period of six months.

Submissions on behalf of the claimants

6. Mr. Madan Mohan, learned Advocate has submitted that there are ample materials in form of consistent evidence on the record that the appellant no. 1 was running a beauty parlour from which she was earning Rs. 400-500/- per day. The learned Tribunal has, though recorded the evidence to the aforesaid effect but for no reason or rhyme the Tribunal has assessed the income of the appellant no. 1 at Rs. 300/- per day only for purpose of calculating the loss of earning. It is submitted that the appellant no. 1 lost her entire business of beauty parlour because of her disability which has been found to the extent of 70% as per the disability certificate proved in the Tribunal.

7. Learned counsel further submits that the Tribunal has not allowed any future prospect. In this connection, he has relied upon the judgment of the Hon'ble Supreme Court in the case of **Pappu Deo Yadav Vs. Naresh Kumar and Others** reported in **2020 SCC Online SC 752 (para 10 & 11)** and **Mohd. Sabeer @ Shabir Hussain Vs. Regional Manager, U.P. State Road Transport Corporation** reported in **2022 SCC Online SC**



1701 (para 18). It is his submission that considering the age of the claimants-appellants they would be entitled to add 40% of their monthly income as may be allowed by this Court as future prospect.

8. Learned counsel has further raised a grievance that the Tribunal has not allowed the actual medical bills showing the expenses incurred on the treatment of the appellants. Those bills were duly proved and in course of evidence the insurance company did not bring any material to question the medical bills. They did not even suggest that such bills are not genuine. It is submitted that the Tribunal has not given any reason for not allowing the actual expenses incurred on the treatment of the appellants. The Tribunal has allowed a sum of Rs. 75,000/- only as against the medical bills of Rs. 2,46,236/- to appellant no. 1. The appellant no. 2 has been allowed Rs. 30,000/- as against her medical bills of Rs. 39,898/- and the appellant no. 3 has been given Rs. 10,000/- only against her medical bills of Rs. 14,932/-. The submission is that no reason has been assigned by the learned Tribunal for not allowing the bills of expenses.

9. The further submission of learned counsel for the claimants-appellants is that the Tribunal has not allowed a reasonable amount on account of pain and suffering, the loss due



to disability and disfigurement, loss of amenities. The learned Tribunal has allowed a sum of Rs. 25,000/- to appellant no. 1, Rs. 5,000/- to claimant no. 2-appellant no. 2 and Rs. 15,000/- to claimant no.3 – appellant no. 3 on account of pains and sufferings. No compensation has been allowed on the head of loss of amenities of life and for disability and disfigurement. Further no compensation has been allowed towards future medical expenses even as evidences would suggest that all the claimants-appellants had incurred such a disability and disfigurement that they required future treatment.

10. Learned counsel for the claimants-appellants has made all efforts to impress upon this Court that the claimant no. 1-appellant no. 1 was running a beauty parlour in a rented premises at Saharsa from which she was earning approximately Rs.500/- per day. In course of evidence, she had produced the trade licence issued by the Saharsa Municipality during the period 1999-2000 to 2003-2004 which were proved as Exhibit 1 to 6. On her behalf, her husband Shekhar Kumar Shukla who deposed as claimant witness no. 4 proved Exhibit 1 to 6 and the rent agreement of the business premises as Exhibit 2. Exhibit 2 was marked with objection. He also proved the signature of his wife Reena Shukla (claimant no. 1) as Exhibit 3 on the carbon copy of the paper showing that after



she became permanently disable to run the parlour she had communicated to the Saharsa Municipality about closure of her beauty parlour.

11. Learned counsel has further pointed out that on perusal of the order dated 17.05.2013 passed by the learned Tribunal, it would appear that several documents produced on behalf of the claimants were marked Exhibits either on admission or with objection. The medical bills of the claimant no.1 were marked Exhibit 12, 12/1, 12/2, 12/3, 12/4, 12/5, 12/6, 12/7, 12/8, 12/9, 12/10, 12/11, 12/12, 12/13, 12/14, 12/15, 12/16, 12/17, 12/18, 12/19, 12/20, 12/21, 12/22, 12/23, 12/24, 12/25, 12/26 with objection. Similarly, Exhibit 13, 13/1 and 13/7 are the medical bills of Shrishti Shekhar (claimant no. 2) which were marked with objection and medical bills of Shreya Shukla (claimant no. 3) were marked as Exhibit 14 and 14/1 with objection.

12. Learned counsel has also pointed out that books of account of the beauty parlour for the year 1999-2000, 2000-01, 2001-02, 2002-03 and 2003-04 were marked as Exhibit 15, 15/1, 15/2, 15/3, 15/4 with objection. Learned counsel submits that on the face of the evidences available on the record, learned Tribunal has completely erred in not allowing the monthly income of



Rs.500/- per day for purpose of calculation of the loss of earning of claimant no. 1.

13. In course of hearing, this Court called upon learned counsel for the claimants-appellants to show from the books of account produced in course of evidence as to what were the net income of the beauty parlour during the contemporary period. Learned counsel has shown from the profit and loss account and the balance-sheet of the financial year ending 31st March, 2004 that in the given period, the net profit has been shown at Rs.49,980/-. In the previous years the profit were less than Rs.49,980/-.

Submission on behalf of the Insurance Company in opposition and M.A. No. 751/2014 as appellant

14. Sri Vikash Chandra Srivastava, learned counsel for the Insurance Company has assailed the impugned judgment and award on the following grounds:-

(i) It is submitted that the Tribunal has taken note of the self declaration of the appellant no. 1 that her age at the time of accident was 36 years. The disability certificate of the appellant no. 1 was showing her age as 33 years but the basis thereof was never brought to the notice of the Tribunal. The medical practitioner/doctor who prepared the disability certificate and recorded the age of



appellant no. 1 as 33 years did not appear in course of evidence. The appellant no. 1 did not produce any educational certificate to show that her age was 33 years, in such circumstance, the Tribunal has no reason to take her age as 33 years instead of 36 years.

(ii) Learned counsel submits that if the age of the appellant no. 1 is taken as 36 years, the multiplier of 15 will apply and not 17, as has been applied by the Tribunal. Reference in this regard has been made to the judgment of Hon'ble Supreme Court in the case of **Sarla Verma (Smt) and others Vs. Delhi Transport Corporation and Another** reported in (2009) 6 SCC 121.

(iii) Learned counsel further submits that the investigator's report carries some weight and in this case the investigator had deposed as the OP witness no. 1. He had stated that the income of appellant no. 1 from beauty parlor was in between Rs. 1500 – 2000/- per month. It is submitted that the occurrence is of the year 2004 and at the relevant time as per notified rate, the wages of skilled worker would be at best about Rs. 70/- per day. The rate notified in the year 2006 for the skilled worker in a hair



cutting saloon was fixed at Rs. 77/- per day. Learned counsel has relied upon the judgment of the Hon'ble Supreme Court in the case of **Anthony @ Anthony Swamy Vs. The Managing Director, Karnataka State Road Transport Corporation** reported in **(2020) 7 SCC 161**. It is submitted that in the said case the Hon'ble Supreme Court noticed that the physical disability suffered by the appellant in his left lower limb was assessed at 75% which was about 37.5% of the whole body. The High Court had allowed the physical disability to be assessed at 25% of the whole body. This was not approved by the Hon'ble Supreme Court and it was held that the extent of physical functional disability, in the facts of the case has to be considered in a manner so as to grant just and proper compensation to the appellant towards loss of future amenities. The Hon'ble Supreme Court held that if the 75% physical disability has rendered the appellant permanently disabled from pursuing his normal vocation or any similar work, it is difficult to comprehend the grant of compensation to him in ratio to the disability to the whole body. The appellant in the said case was held entitled to compensation for



loss of future earning based on his 75% permanent physical functional disability recalculated with the salary of Rs 5500/- with multiplier of 14.

15. Learned counsel submits that in the said case the appellant had to undergo amputation of his left leg and he had to suffer shortening of left lower limb by 3 c.m., he was unable to stand-up and walk independently. In this case, no such evidence has been led on behalf of the appellant no. 1.

16. To distinguish the case of the appellant no. 1, learned counsel has pointed out that in the case of **Anthony** (supra), it was found that he was required to go at least three further replacements of artificial limb in his life-time, the cost of which was assessed approximately between Rs. 75,000/- to Rs. 1,50,000/-. It is submitted that because of this, the Hon'ble Supreme Court allows a sum of Rs. 2,50,000/- on account of future medical expenses, but, so far as the present case is concerned, no evidence has been led to show that the appellants required any future medical expense.

17. As regards pain and suffering, learned counsel submits that in the case of **Anthony** (supra) the accident had taken place in the year 2010. The Hon'ble Supreme Court allowed a sum of Rs. 1,00,000/- on account of pain and suffering. In this case, the



Tribunal has allowed Rs. 25,000/- for appellant no. 1 and Rs. 5,000/- for appellant nos. 2 & 3 on account of pain and suffering which is reasonable and needs no interference.

18. As regards future prospects and the actual expenses incurred by the appellants, learned counsel for the Insurance Company has though opposed the submissions of learned counsel for the appellant but no reason has been shown from the impugned judgment for not allowing the whole medical expenses.

Learned counsel submits that the appellant no. 2 was aged about 11 years at the time of accident and appellant no. 3 was aged about 6 years, in their cases the Tribunal has erred by taking their notional income at Rs. 3000/- per month. Learned counsel further submits that they would also not be entitled for the future prospect.

19. Learned counsel for the Insurance Company has submitted that there was no quality evidence on record on behalf of the claimants-appellants to show that the claimant no. 1 was running an organized business of beauty parlour. Learned counsel submits that on perusal of the evidence of the husband of claimant no. 1-appellant no. 1, it would appear that he was an employee of Saharsa Municipality. According to learned counsel, he had though proved the trade licences said to have been issued by the Saharsa



Municipality but he did not call upon the concerned employee of Saharsa Municipality who was admittedly alive and under whose signature the trade licences were shown to have been issued. In his cross-examination, when his attention was drawn saying that municipality maintains a trade licence register, he admitted that a trade licence register is maintained but when he was questioned as to whether he can produce the trade licence register, the said witness categorically said that he cannot produce the trade licence register. He admitted that in trade licence क्रमांक (Serial Number) used to be there.

20. Learned counsel has further submitted that the rent agreement (Exhibit 2) was marked with objection. The rent agreement was not produced in original. The original rent agreement was said to be in possession of the house owner but no effort was made to produce the house owner or to call for the original lease deed. The lease deed was having the signature of only one witness and it was the husband of the claimant no. 1 alone.

21. Learned counsel submits that on bare perusal of the P&L A/cs and the balance-sheets, it would appear that it does not inspire confidence. According to the P&L A/cs of the financial year ending 31st March 2004, the gross receipts from business has



been shown at Rs.1,33,665/- from four heads (i) Facial-Rs.46,600/, (ii) Hair Cutting-Rs.31,815/-, (iii) Herbal Therapy- Rs. 30,030/- and (iv) Waxing & Threading-Rs.25,220/-. As against the gross receipts, the purchases have been shown at Rs.33,580/-, power and fuels have been shown at Rs.6,695/-, room rent has been shown at Rs.16,800/- and salary has been shown at Rs.27,000/- but no evidence at all was led in the trial to prove the purchases, payment towards power and fuels, payment towards room rent and the payment of salary. No person claiming that he/she was employed in the beauty parlour and was getting a salary could come to support the case of the claimant. The house owner did not come to say that he had received the room rent. No receipt showing payment of rent was produced and the signature of the house owner was also not proved. It is submitted that despite all these serious discrepancies present in the accounts, even as per her own document, the net profit of the business was only Rs.49,980/- meaning thereby that her monthly income as per her own statement was about Rs.4,100/- approximately.

22. Learned counsel submits that under these circumstances, learned Tribunal had no reason to allow a sum of Rs.300/- per day as her income. He has reiterated that in the contemporary period, the wages of a skilled worker would have



been at best at Rs. 70/- per day and even if in order to allow a just compensation, this Court goes for some additions to this, in any case the claimant no. 1 shall not be entitled to get more than Rs.100/- per day.

23. Learned counsel has also relied upon a judgment of the Hon'ble Supreme Court in the case of **Sri Venkateswara Syndicate versus Oriental Insurance Company Limited and Another** reported in **(2009) 8 SCC 507** to submit that the surveyor appointed by the Insurance Company are appointed under the provisions of the Insurance Act and their reports are to be given due importance. It is submitted that the Hon'ble Supreme Court while observing that the Insurance Company cannot go on appointing surveyors one after another so as to get a tailor-made report to the satisfaction of the officer concern of the Insurance Company, made it clear that the reports of surveyor should be given due importance and one should have sufficient grounds not to agree with the assessment made by them. Learned counsel submits that in this case only one surveyor was appointed. He has made statement on oath that he had gone to meet the claimants but the claimants were not available as he was told that the claimant no. 1 had gone outside whereas claimant nos. 2 and 3 were engaged in their studies outside the place of residence. The



surveyor has stated that he was not given any document relating to the beauty parlour business and no paper in support of the income from the beauty parlour was given to him. It is, thus, submitted that there was no reason for the learned Tribunal to discard the surveyor's report on these grounds. Learned counsel for the Insurance Company has assailed the impugned judgment and award.

24. Responding to the submission of learned counsel for the Insurance Company, Mr. Madan Mohan, learned counsel for the claimant – appellant no. 1 submits that the self-declaration as to age was made by the appellant no. 1 at the time of filing of the claim case. The accident took place in the year 2004, therefore, the disability certificate was prepared at the said time and truly contains the age of appellant no. 1 on the date of accident.

Considerations

26. Having heard learned counsel for the parties and on perusal of the records, this Court being the Appellate Court would first examine the materials available on the record on the issues involved in these two cases.

(1) Income of Reena Shukla (claimant no. 1)

27. This Court finds on perusal of the impugned judgment that learned Tribunal has while deciding issue no. 5 dealt



with the evidences on the point of income of claimant no. 1. The Tribunal has, after dealing with the evidences of the claimants and Shekhar Kumar Shukla (claimant witness no. 3) and upon perusal of Exhibits '1' to '1/6' and Exhibit '2' recorded that from these materials, it is clear that the daily income of Reena Shukla was Rs.400-500/-. The Tribunal has further recorded that no contradiction could be taken on this point from these witnesses in course of their cross-examination. Thereafter, the tribunal has proceeded to examine the books of account and held that from the balance-sheet Exhibit 15, 15/1, 15/2, 15/3 and 15/4, it appears that average per day income of the claimant no. 1 was Rs.300/- per day. In its endeavour to arrive at this conclusion, the Tribunal has, however, not dealt with the objections raised on behalf of the Insurance Company as regards Exhibit '2' as well as Exhibits '15' to '15/4'. This Court is unable to accept this finding of the learned Tribunal for various reasons. The materials available on the record would show that as regards running of the beauty parlour, the husband of the claimant no. 1 sought to prove a copy of the lease deed of the premises. The lease deed was not in original. The house owner was not produced in evidence, no other paper such as electricity bills, receipts showing payment of rent of the premises, the signature of the house owner could be proved. Even as strict



rule of evidence may not apply in this case but the evidenciary value of the evidences must be examined fairly keeping in view the requirement of fair play in action.

28. The surveyor's statement that he was not handed over any paper showing income from beauty parlour has not at all been considered by the Tribunal. This Court finds substance in the submission of learned counsel for the Insurance Company that so far as the books of account produced in course of evidence and proved by the husband of the claimant no. 1-appellant no. 1 are concerned, those have not been certified by any accountant, nobody has appeared to prove the same and the Tribunal has not dealt with the objection while relying upon the books of account which were marked as Exhibits 15 to 15/4 with objection.

29. From the materials present on the record, this Court finds that there was no basis for the Tribunal to come to a conclusion that the average income of the claimant no. 1-appellant no. 1 could be Rs.300/- per day. As per the profit and loss account of the financial year ending 2004, net profit from the business was Rs.49,980/-. For the financial year ending 31st March 2003, it was Rs.41713/-, in the year ending 31st March 2002, it was Rs.39,913/-, in the year ending 31st March 2001, it was Rs.37,318/- and in the year ending 31st March 2000, it was Rs.34,885/-, therefore, by no



stretch of imagination, the average income of the claimant no. 1 could have come to Rs.300/- per day.

30. This Court further agrees with the submission of learned counsel for the Insurance Company that the books of account as produced and exhibited would not inspire confidence of this Court. The reasons are very simple. The claimant no. 1 has shown purchases, payment towards power and fuel, room rent and salary but no receipt or document of the contemporary period could be placed in course of evidence. The person who has prepared the account is not known and has not come forward to say as to on what basis he had prepared the accounts. Under these circumstances, this Court would not agree with the findings as to the average per day income arrived at by the Tribunal.

31. Learned counsel for the Insurance Company has submitted that at best the wages applicable to skilled worker at the relevant time would be Rs.70/- per day, this rate has not been contested by learned counsel for the claimants. Learned counsel for the Insurance Company has submitted to take a view that at best the per day income of the claimant-appellant no. 1 would be Rs.100/- per day but in order to arrive at a “just compensation”, this Court is of the opinion that there being no dispute that she was engaged in skilled work, she may be allowed Rs.140/- which in



any case cannot be questioned by the claimant no. 1 even on the basis of her own books of account. In this way, the monthly income of the claimant-appellant no. 1 would be arrived at Rs.140/- × 26 days = Rs.3,640/-. This amount would, in the opinion of the Court, balance the rival contentions.

32. In the case of **Pappu Deo Yadav versus Naresh Kumar and Others** reported in **2020 SCC Online SC 752**, the Hon'ble Supreme Court has reviewed the case laws on the subject and has reiterated the principles consistently followed by the courts and tribunals in assessing the motor vehicle compensation claims. The relevant part of paragraph '8' of the judgment reads as under:-

“8. This court has emphasized time and again that “just compensation” should include all elements that would go to place the victim in as near a position as she or he was in, before the occurrence of the accident. Whilst no amount of money or other material compensation can erase the trauma, pain and suffering that a victim undergoes after a serious accident, (or replace the loss of a loved one), monetary compensation is the manner known to law, whereby society assures some measure of restitution to those who survive, and the victims who have to face their lives. In *Santosh Devi v. National Insurance Company Limited*¹², this Court held that:

“14. We find it extremely difficult to fathom any rationale for the observation made in paragraph 24 of the judgment in Sarla Verma's case that where the deceased was self-employed or was on a fixed salary without provision for annual increment, etc., the Courts will usually take only the

12. (2012) 6 SCC 421



actual income at the time of death and a departure from this rule should be made only in rare and exceptional cases involving special circumstances. In our view, it will be nave to say that the wages or total emoluments/income of a person who is self-employed or who is employed on a fixed salary without provision for annual increment, etc., would remain the same throughout his life.

15. The rise in the cost of living affects everyone across the board. It does not make any distinction between rich and poor. As a matter of fact, the effect of rise in prices which directly impacts the cost of living is minimal on the rich and maximum on those who are self-employed or who get fixed income/emoluments. They are the worst affected people. Therefore, they put extra efforts to generate additional income necessary for sustaining their families.

16. The salaries of those employed under the Central and State Governments and their agencies/instrumentalities have been revised from time to time to provide a cushion against the rising prices and provisions have been made for providing security to the families of the deceased employees. The salaries of those employed in private sectors have also increased manifold. Till about two decades ago, nobody could have imagined that salary of Class IV employee of the Government would be in five figures and total emoluments of those in higher echelons of service will cross the figure of rupees one lac.

17. Although, the wages/income of those employed in unorganized sectors has not registered a corresponding increase and has not kept pace with the increase in the salaries of the Government employees and those employed in private sectors but it cannot be denied that there has been incremental enhancement in the income of those who are self-employed and even those engaged on daily basis, monthly basis or even seasonal basis. We can take judicial notice of the fact that with a view to meet the challenges posed by high cost of living, the persons falling in the latter category periodically increase the cost of their labour. In this context, it may be useful to give an example of a tailor who earns his livelihood by stitching cloths. If the cost of living increases and the prices of essentials go up, it is but natural for him to increase the cost of his labour. So will be the cases of ordinary skilled and unskilled labour, like, barber, blacksmith, cobbler, mason etc.



18. Therefore, we do not think that while making the observations in the last three lines of paragraph 24 of Sarla Verma's judgment, the Court had intended to lay down an absolute rule that there will be no addition in the income of a person who is self-employed or who is paid fixed wages. Rather, it would be reasonable to say that a person who is self-employed or is engaged on fixed wages will also get 30 per cent increase in his total income over a period of time and if he/she becomes victim of accident then the same formula deserves to be applied for calculating the amount of compensation.”

33. The Hon’ble Supreme Court has held on various occasions that while computing compensation, the approach of the Tribunal or of court has to bring the best. It would also involve some guess work and that there cannot be any methodical exactitude or a precise formulae to determine the quantum of compensation. Reference in this regard may be made to the judgment of the Hon’ble Supreme Court in the case of **K. Suresh versus New India Assurance Company Limited and Another** reported in **(2012) 12 SCC 274**.

34. In recent Full Bench judgment of the Hon’ble Supreme Court in the case of **Anthony @ Anthony Swamy versus The Managing Director, Karnataka State Road Transport Corporation** reported in **(2020) 7 SCC 161** which has been relied upon by learned counsel for the Insurance Company, the Hon’ble Supreme Court was considering the accident case of the year 2010 in which the victim of the accident had to undergo amputation and fixation of an artificial leg. The physical disabilities suffered by the



appellant before the Hon'ble Supreme Court as regards his left lower limb was assessed at 75% which was about 37.5% of the whole body but the fact was that he was not able to stand independently or walk without aid of a walker and considering his age of 45 years he was required to undergo at least 3 further replacements of artificial limb in his lifetime.

35. Under these circumstances, when the High Court assessed the physical disability of the appellant at 25% of the whole body, the Hon'ble Supreme Court did not concur with the same and found that the compensation granted towards loss of future earnings on account of disability at Rs.2,31,000/- was grossly inadequate and the compensation of Rs.50,000/- towards future medical expenses and only Rs.25,000/- towards loss of amenities were also found inadequate. The Hon'ble Supreme Court thereafter once again reviewed the case laws and after recording the judgments in the case of **Raj Kumar** (supra) and in the case of **Nagarajappa versus Divisional Manager, Oriental Insurance Company Limited** reported in (2011) 13 SCC 323 affirmed those judgments. The Hon'ble Supreme Court thereafter modified the judgment and award and proceeded to allow the compensation which may be reproduced hereunder for proper appreciation of the heads under which the compensations are required to be allowed.



Sl.No.	Particulars	Amount (In Rs)
1.	Pain and Sufferings	1,00,000
2.	Medical Expenses	7350
3.	Attendant charges	21,000
4.	Loss of earnings during the period of treatment	66,000
5.	Conveyance charges	10,000
6.	Loss of future earnings on account of disability	6,93,000
7.	Future medical expenses	2,50,000
8.	Loss of amenities	50,000
	TOTAL	11,97,350

36. This Court would, however, hasten to add that this Court has to confine the scope of consideration only within the four corners of the claims made on behalf of the claimants and the materials available on the record. The grievance of the claimants – appellants, at this stage, is that the Tribunal has not allowed any amount on account of future prospect and for this purpose, reliance has been placed upon the judgment of **Pappu Deo Yadav** (supra). In the said case, the Bench of equal strength of the Hon’ble Supreme Court has overruled the decision of the High Court which had excluded the possibility of compensation for future prospects in accident cases involving serious injuries resulting in permanent disability. This Court would do no better than reproducing the Paragraphs ‘9’, ‘10’ and ‘11’ from the judgment of **Pappu Deo Yadav** (supra).



“9. In *Jagdish*¹³ the victim, a carpenter, suffered permanent disablement, and his claim for compensation including for loss of future prospects was considered by a three-judge bench (which included, incidentally, the judges who had decided *Pranay Sethi*¹⁴). This court held that:

“13. *In the judgment of the Constitution Bench in Pranay Sethi [National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680], this Court has held that the benefit of future prospects should not be confined only to those who have a permanent job and would extend to self-employed individuals. In the case of a self-employed person, an addition of 40% of the established income should be made where the age of the victim at the time of the accident was below 40 years. Hence, in the present case, the appellant would be entitled to an enhancement of Rs. 2400 towards loss of future prospects.*

14. *In making the computation in the present case, the court must be mindful of the fact that the appellant has suffered a serious disability in which he has suffered a loss of the use of both his hands. For a person engaged in manual activities, it requires no stretch of imagination to understand that a loss of hands is a complete deprivation of the ability to earn. Nothing—at least in the facts of this case—can restore lost hands. But the measure of compensation must reflect a genuine attempt of the law to restore the dignity of the being. Our yardsticks of compensation should not be so abysmal as to lead one to question whether our law values human life. If it does, as it must, it must provide a realistic recompense for the pain of loss and the trauma of suffering. Awards of compensation are not law's doles. In a discourse of rights, they constitute entitlements under law. Our conversations about law must shift from a paternalistic subordination of the individual to an assertion of enforceable rights as intrinsic to human dignity.*

15. *The Tribunal has noted that the appellant is unable to even eat or to attend to a visit to the toilet without the assistance of an attendant. In this background, it would be a denial of justice to compute the disability at 90%. The disability is indeed total. Having regard to the age of the appellant, the Tribunal applied a multiplier of 18. In the circumstances, the compensation payable to the appellant on account of the loss of income, including future prospects,*

13. (2018) 4 SCC 571

14. (2017) 16 SCC 860



would be Rs. 18,14,400. In addition to this amount, the appellant should be granted an amount of Rs. 2 lakhs on account of pain, suffering and loss of amenities. The amount awarded by the Tribunal towards medical expenses (Rs. 98,908); for extra nourishment (Rs. 25,000) and for attendant's expenses (Rs. 1 lakh) is maintained. The Tribunal has declined to award any amount towards future treatment. The appellant should be allowed an amount of Rs. 3 lakhs towards future medical expenses. The appellant is thus awarded a total sum of Rs. 25,38,308 by way of compensation. The appellant would be entitled to interest at the rate of 9% p.a. on the compensation from the date of the filing of the claim petition. The liability to pay compensation has been fastened by the Tribunal and by the High Court on the insurer, owner and driver jointly and severally which is affirmed. The amount shall be deposited before the Tribunal within a period of 6 weeks from today and shall be paid over to the appellant upon proper identification.”

10. The recent decision in *Parminder Singh v. New India Assurance Co. Ltd.*¹⁵ involved an accident victim who underwent surgery for hemiplegia¹⁶. According to the treating medic, he could not work as a labourer or perform any agricultural work, or work as a driver (as he was wont to); the assessment of his disability was at 75%, and of a permanent nature. The court held that:

“**5.2.** On the basis of the affidavit filed by the employer of the appellant, we accept that the income of the appellant was Rs. 10,000 p.m. at the time of the accident, for the purpose of computing the compensation payable to him.

5.1. The appellant has however, produced an affidavit by his employer in this Court. As per the said affidavit, the appellant was earning Rs. 10,000 p.m. at the time of the accident.

5.3. Taking the income of the appellant as Rs. 10,000 p.m., with future prospects @ 50% as awarded by the High Court, the total income of the appellant would come to Rs. 15,000 p.m.

5.4. The appellant was 23 years old at the time when the accident occurred. Applying the multiplier of 18, the loss of future earnings suffered by the appellant would work out to Rs. $15,000 \times 12 \times 18 = \text{Rs. } 32,40,000$.

15. (2019) 7 SCC 217

16. Weakness of one half of the body on the left side; in this case, caused by an accident.



5.7. *In K. Suresh v. New India Assurance Co. Ltd. (2012) 12 SCC 274, this Court held that*

“10. It is noteworthy to state that an adjudicating authority, while determining the quantum of compensation, has to keep in view the sufferings of the injured person which would include his inability to lead a full life, his incapacity to enjoy the normal amenities which he would have enjoyed but for the injuries and his ability to earn as much as he used to earn or could have earned. Hence, while computing compensation the approach of the Tribunal or a court has to be broad-based. Needless to say, it would involve some guesswork as there cannot be any mathematical exactitude or a precise formula to determine the quantum of compensation. In determination of compensation the fundamental criterion of “just compensation” should be inhaled.”

5.9. *In the present case, it is an admitted position that it is not possible for the appellant to get employed as a driver, or do any kind of manual labour, or engage in any agricultural operations whatsoever, for his sustenance. In such circumstances, the High Court has rightly assessed the appellant's functional disability at 100% insofar as his loss of earning capacity is concerned. The appellant is, therefore, awarded Rs. 32,40,000 towards loss of earning capacity.”*

11. Yet later and more recently in an accident case, which tragically left in its wake a young girl in a life-long state of paraplegia, this court, in *Kajal v. Jagdish Chand*,¹⁸ reiterated that in addition to loss of earnings, compensation for future prospects too could be factored in, and observed that:

“14. In Concord of India Insurance Co. Ltd. v. Nirmala Devi [Concord of India Insurance Co. Ltd. v. Nirmala Devi, (1979) 4 SCC 365 : 1979 SCC (Cri) 996 : 1980 ACJ 55], this Court held : (SCC p. 366, para 2)

“2. ... the determination of the quantum must be liberal, not niggardly since the law values life and limb in a free country in generous scales.”

18.(2020) 4 SCC 413



15. *In R.D. Hattangadi v. Pest Control (India) (P) Ltd. [R.D. Hattangadi v. Pest Control (India) (P) Ltd., (1995) 1 SCC 551 : 1995 SCC (Cri) 250], dealing with the different heads of compensation in injury cases this Court held thus : (SCC p. 556, para 9)*

“9. Broadly speaking while fixing the amount of compensation payable to a victim of an accident, the damages have to be assessed separately as pecuniary damages and special damages. Pecuniary damages are those which the victim has actually incurred and which are capable of being calculated in terms of money; whereas non-pecuniary damages are those which are incapable of being assessed by arithmetical calculations. In order to appreciate two concepts pecuniary damages may include expenses incurred by the claimant : (i) medical attendance; (ii) loss of earning of profit up to the date of trial; (iii) other material loss. So far as non-pecuniary damages are concerned, they may include : (i) damages for mental and physical shock, pain and suffering, already suffered or likely to be suffered in the future; (ii) damages to compensate for the loss of amenities of life which may include a variety of matters i.e. on account of injury the claimant may not be able to walk, run or sit; (iii) damages for loss of expectation of life i.e. on account of injury the normal longevity of the person concerned is shortened; (iv) inconvenience, hardship, discomfort, disappointment, frustration and mental stress in life.”

16. *In Raj Kumar v. Ajay Kumar [Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343 : (2011) 1 SCC (Civ) 164 : (2011) 1 SCC (Cri) 1161], this Court laid down the heads under which compensation is to be awarded for personal injuries : (SCC p. 348, para 6)*

“6. The heads under which compensation is awarded in personal injury cases are the following:

Pecuniary damages (Special damages)

(i) Expenses relating to treatment, hospitalisation, medicines, transportation, nourishing food, and miscellaneous expenditure.

(ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:

(a) Loss of earning during the period of treatment;

(b) Loss of future earnings on account of permanent disability.

(iii) Future medical expenses.



Non-pecuniary damages (General damages)

(iv) Damages for pain, suffering and trauma as a consequence of the injuries.

(v) Loss of amenities (and/or loss of prospects of marriage).

(vi) Loss of expectation of life (shortening of normal longevity).

In routine personal injury cases, compensation will be awarded only under heads (i), (ii)(a) and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant, that compensation will be granted under any of the heads (ii)(b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life.”

17. *In K. Suresh v. New India Assurance Co. Ltd. [K. Suresh v. New India Assurance Co. Ltd., (2012) 12 SCC 274 : (2013) 2 SCC (Civ) 279 : (2013) 4 SCC (Cri) 638], this Court held as follows : (SCC p. 276, para 2)*

“2. ... There cannot be actual compensation for anguish of the heart or for mental tribulations. The quintessentiality lies in the pragmatic computation of the loss sustained which has to be in the realm of realistic approximation. Therefore, Section 168 of the Motor Vehicles Act, 1988 (for brevity “the Act”) stipulates that there should be grant of “just compensation”. Thus, it becomes a challenge for a court of law to determine “just compensation” which is neither a bonanza nor a windfall, and simultaneously, should not be a pittance.”

Loss of earnings

20. *Both the courts below have held that since the girl was a young child of 12 years only notional income of Rs. 15,000 p.a. can be taken into consideration. We do not think this is a proper way of assessing the future loss of income. This young girl after studying could have worked and would have earned much more than Rs. 15,000 p.a. Each case has to be decided on its own evidence but taking notional income to be Rs. 15,000 p.a. is not at all justified. The appellant has placed before us material to show that the minimum wages payable to a skilled workman is Rs. 4846 per month. In our opinion, this would be the minimum amount which she would have earned on becoming a major. Adding 40% for the future prospects, it works to be Rs. 6784.40 per month i.e. 81,412.80 p.a. Applying the multiplier of 18, it works out to Rs. 14,65,430.40, which is rounded off to Rs. 14,66,000.”*



37. On the strength of the views expressed by the Hon'ble Supreme Court in the above mentioned judgments, this Court is of the considered opinion that considering the serious disability suffered by the claimants they would be entitled to get future prospects at the rate of 40% of the monthly income towards calculation of their loss of earnings. In the case of claimant no. 1- appellant no. 1, it would be 40% of Rs.3,640/- whereas in the case of claimant no. 2- appellant no. 2 and claimant no. 3- appellant no. 3, it would be 40% of Rs. 3,000/- each.

38. The claimants no.1-appellant no.1 has, though claimed that because of incurring the permanent disability she had to close the beauty parlour but this Court finds that the appellant no.1 has not adduced cogent and sufficient materials to show that because of her disability she could not have managed her beauty parlour through her employees to whom she was paying salary as shown in the P & L A/c (Ext. 15, 15/1, 15/2, 15/3 & 15/4). It is not her case that she was alone running the parlour, therefore this court is of the considered opinion that the claimant-appellant no. 1 is not entitled to claim 100% of her income as loss of earning. Her net profit as per Ext. 15, 15/1, 15/2, 15/3 & 15/4 was about 35% of the gross receipt only. This Court understands from the materials on record that in order to arrive at the 'just compensation' she



would at best be entitled to calculate her loss of earning in consonance with her disability assessed at 70%. The A2 & A3 were aged about 11 years and 6 years only at the time of accident. From their statements in evidence it appears that A-2 is preparing for her Bachelor in Computer Application (BCA) and A-3 is also pursuing her studies. Therefore, there are reasons to believe that they would be able to improve upon their worth. This court, therefore affirms the view of the Tribunal in allowing the loss of earning to A-2 and A-3 @ 50% which is in terms of percentage of their physical functional disability. This Court is. However, conscious of the legal proposition that there would be no arithmetical formula to fix the loss of earning. Every case is to be judged in the facts of its own case.

(2) As regards the age of claimant no. 1 – appellant no. 1

39. The Tribunal has taken the age of the claimant no. 1- appellant no. 1 at 33 years on the basis of the disability certificate. The submission of learned counsel for Insurance Company is that the Tribunal has itself recorded in Paragraph '3' of the judgment that at the time of accident, Reena Shukla was 36 years old. This Court finds from the application filed before the learned Tribunal that on or about 19th July, 2006 when the application was filed, she has declared her age as 36 years.



Nowhere in her application she has stated that at the time of accident she was 36 years old. Coming to her evidences, this Court finds that in the format of evidence in the year 2013 when her evidence was recorded, her age has been shown as 43 years. In Paragraph '6' of her evidence (examination-in-chief), she has categorically stated that at the time of occurrence she was 34 years old, her daughters Srishti Shukla was 11 years old and Shreya Shukla was 6 years old. In the cross-examination, no question was put to her as to her age and it was never challenged by the Insurance Company. This Court has, therefore, reasons to believe the case of claimant no. 1- appellant no.1 that her age was 34 years at the time of accident and this was never questioned. The submission of Mr. Srivastava, learned counsel for the Insurance Company is, thus, not acceptable to this Court.

40. Learned counsel for the parties agree that the age of the claimant no. 1-appellant no. 1 being 34 years, in view of the judgment of the Hon'ble Supreme Court in the case of **Sarla Verma (Smt) and others Vs. Delhi Transport Corporation and Another** reported in **(2009) 6 SCC 121**, the multiplier of 16 would be applicable.



Claim on account of medical bills

41. Learned Tribunal has not allowed total medical bills produced on behalf of the claimants. The bills were marked with objection. No reason has been assigned by the Tribunal as to why the entire medical bills has not been allowed. This Court called upon learned counsel for the Insurance Company to address as to what are his objections on these medical bills. Learned counsel is in fact not at all in a position to address this issue so as to demonstrate as to why the medical bills which were produced and proved as exhibits by the claimants should not have been allowed. This being the position, this Court would allow the medical bills as produced on behalf of the claimants. The claimant no. 1, 2 and 3 would be entitled to get Rs.2,46,236/-, Rs. 39,898/- and Rs.14,932/- respectively. The Tribunal has not allowed any amount on account of future medical expenses. This Court has gone through the evidences on the record and finds that the evidences are showing that the claimants were still under going treatment to improve upon their physical conditions. Under these circumstances, the Tribunal has erred in not allowing future medical expenses to the claimants. This Court would, thus, allow Rs. 75,000/- as future medical expenses to the claimant no. 1-



appellant no. 1 and Rs. 50,000/- to each of the claimant no. 2 and claimant no. 3 on this head.

Claims on account of non-pecuniary head

42. The Tribunal has allowed Rs. 25,000/- only on account of pains and sufferings which is in much lower side. In the case of **Anthony @ Anthony Swamy (supra)** which was a case of accident in the year 2010, the Hon'ble Supreme Court considering the facts and circumstance allowed a sum of Rs. 1,00,000/- on account of pains and sufferings. The facts of this case are not identical to the said case. In this case, there is no amputation of limb and considering these aspects of the matter, this Court would allow a sum of Rs. 75,000/- on account of pains and sufferings to claimant no. 1- appellant no. 1. At this stage itself this Court finds that the learned Court has allowed a sum of Rs. 5,000/- only to claimant no. 2 and Rs. 15,000/- to claimant no. 3. There is no reason for this distinction and the amount is still in the lower side. Both the claimants were minors, they would be suffering this pain for several years to come in their life, therefore, this Court is of the opinion that they should get at least Rs. 50,000/- on this head. Accordingly, this Court would allow Rs. 50,000/- on account of pains and sufferings to the claimant no. 2 and claimant no. 3.



43. Learned counsel has drawn the attention of this Court towards the judgment of the Hon'ble Supreme Court in the case of **Mohd. Sabeer @ Shabir Hussain versus Regional Manager, U.P. State Road Transport Corporation** reported in **2022 SCC Online SC 1701 Mohd. Sabeer @ Shabir Hussain** (supra) in which the Hon'ble Supreme Court has after considering the facts and circumstances of the said case allowed compensation for loss of amenities of life and compensation for disability and disfigurement at the rate of Rs. 2,00,000/- on each head. In paragraphs '25' and '26' of the judgment in **Mohd. Sabeer @ Shabir Hussain** (supra) are quoted hereunder for a ready reference:-

"25. In R.D. Hattangadi v. Pest Control (India) (P) Ltd.⁵ dealing with the different heads of compensation in injury cases this Court held that:

"Broadly speaking while fixing the amount of compensation payable to a victim of an accident, the damages have to be assessed separately as pecuniary damages and special damages. Pecuniary damages are those which the victim has actually incurred and which are capable of being calculated in terms of money; whereas non-pecuniary damages are those which are incapable of being assessed by arithmetical calculations. In order to appreciate two concepts pecuniary damages may include expenses incurred by the claimant : (i) medical attendance; (ii) loss of earning of profit up to the date of trial; (iii) other material loss. So far as non-pecuniary damages are concerned, they may include : (i) damages for mental and physical shock, pain and suffering, already suffered or likely to be suffered in the future; (ii) damages to compensate for the loss of amenities of life which may include a variety of matters i.e. on account of injury the claimant may not be able to walk, run or sit; (iii) damages for loss of expectation of life i.e. on account of injury the normal longevity of the person concerned is shortened; (iv) inconvenience, hardship, discomfort, disappointment, frustration and mental stress in life."



26. In light of the above decision of this Court and the facts and circumstances of the case at hand, the compensation to be awarded is as follows:

I. Compensation for pain and suffering - Rs. 2,00,000/-

II. Compensation for Loss of Amenities of Life - Rs. 2,00,000/-

III. Compensation for disability and disfigurement - Rs. 2,00,000/-”

44. In the given facts and circumstances of the present case, this Court is of the considered opinion that the claimants are entitled for compensation for loss of amenities of life and compensation for disability and disfigurement. The claimant no. 1 was hardly aged about 34 years at the time of accident and the claimant nos. 2 and 3 were minors who have to go with this loss for a long time. Taking note of the price-index of the country in the year 2004 when this accident had taken place, this Court thinks it just and proper to award a sum of Rs.75,000/- on each head of compensation for loss of amenities of life and compensation for disability and disfigurement to claimant no. 1- appellant no. 1 and Rs.50,000/- to each one of claimant no. 2 and claimant no. 3.

45. The Tribunal has not allowed any conveyance, special diet and attendant charges. This Court would allow conveyance at the rate of Rs. 5,000/-, special diet at the rate of Rs. 10,000/- and attendant charges at the rate of Rs. 5,000/- to each of the claimants. The claimants would, thus, be entitled to get as under:-



	Heading	Appellant no. 1	Appellant no. 2	Appellant no. 3
(i).	Income : (140 ×26)	3,640 ×12 =Rs. 43,680	3,000 × 12 = Rs. 36,000	3,000 × 12 = Rs. 36,000
Add (ii).	Future Prospect : 40%	Rs. 17,472.00	Rs. 14,400.00	Rs. 14,400.00
	70% of (i) & (ii)	Rs. 42,806.00	Rs. 50,400.00	Rs. 50,400.00
3.	Multiplier '16'	Rs.6,84,896.00	50,400 x '15' = 7,56,000 50% of 7,56,000 = 3,78,000	50,400 x '15' = 7,56,000 50% of 7,56,000 = 3,78,000
4.	Medical Bills	Rs. 2,46,236.00	Rs.39,898	Rs.14,932
		Rs. 9,31,132.00	Rs. 4,17,898	Rs. 3,92,932
<u>Non-Pecuniary Damages</u>				
5.	Pain and Suffering	Rs.75,000	Rs.50,000	Rs.50,000
6.	Loss of Future Medical Expenses	Rs.75,000	Rs.50,000	Rs.50,000
7.	Loss of Amenities of Life	Rs.75,000	Rs.50,000	Rs.50,000
8.	Loss due to disability and disfigurement	Rs.75,000	Rs.50,000	Rs.50,000
9.	Conveyance	Rs.5,000	Rs.5,000	Rs.5,000
10.	Special Diet	Rs.10,000	Rs.10,000	Rs.10,000
11.	Attendant Charges	Rs.5,000	Rs.5,000	Rs.5,000
	Total	Rs.12,51,132.00	Rs.6,37,898	Rs.6,12,932
12.	Interest on the awarded amount	7% p.a. from the date of filing of the claim case till the date of payment to each of the claimants as awarded by the Tribunal.		

46. The impugned order and award are modified in terms stated hereinabove. The insurer/insurance company shall pay the amount as shown hereinabove within thirty (30) days from the date of receipt/communication of a copy of this order.



47. In this case, the owner of the vehicle did not appear to contest the case in the Tribunal. The learned Tribunal has allowed the application of the Insurer under Section 170 of the Act of 1988 and right to recovery from the owner has been granted which will remain intact.

48. Learned counsel for the Insurance Company has prayed for returning the statutory amount deposited by the appellant at the time of filing of the appeal. Learned counsel submits that in view of the judgment of this court in the case of **United India Insurance Insurance Company Limited Vs. Manju Devi and others** reported in (1998) 3 PLJR 506 the amount so deposited is to be adjusted against the award. Since the Insurance Company has been made liable to pay the award amount, the statutory amount be refunded. Let the statutory amount be returned to the Insurance Company.

49. Both the appeals are disposed of, accordingly.

(Rajeev Ranjan Prasad, J)

Sushma 2/Rajeev-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	10.02.2023
Transmission Date	

