

**In the High Court of Punjab and Haryana, at Chandigarh**

**F.A.O. No.2970 of 2015 (O&M)**

**Date of Decision: 07.08.2023**

Uttam Chand

... Appellant(s)

Versus

Mohinder Kumar and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Sandeep Kumar Goyat, Advocate  
for the appellant(s).

Ms. Anamika Mehra, Advocate  
for the respondent No.4.

**Anil Kshetarpal, J.**

**CM-8969-CII-2015**

1. For the reasons stated in the application, the same is allowed and delay of 240 in filing the appeal is condoned.

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2. The claimant prays for the modification of the award passed by the Motor Accidents Claim Tribunal, Hissar (hereinafter referred to as “the Tribunal”). The correctness of the findings of the Tribunal with regard to involvement of the vehicle and the accident having occurred due to the rash and negligent driving of Mohinder Kumar son of Kunj Lal is not in dispute.

3. The appellant, who is a labourer by profession, suffered amputation of his right thumb resulting in 16% disability. Apart from the reimbursement of expenses of the medical treatment, the Tribunal has awarded compensation of ₹1,13,652/- for disability, ₹15,000/- towards the attendant charges and ₹16,140/- towards the loss of wages for a period of

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three months.

4. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

5. The learned counsel representing the appellant contends that the Tribunal has failed to take into consideration increase in the income on account of future prospects. He submits that neither any amount has been awarded under the head pain and suffering nor the transportation costs have been awarded. He submits that the attendant's charges awarded by the Tribunal are also on the lower side.

6. On the other hand, the learned counsel representing the respondent-insurance company contends that the Tribunal has taken into consideration all the aspects of the matter while assessing the amount of compensation.

7. In *National Insurance Company Limited v. Pranay Sethi & Others (2017) 16 SCC 680*, the Supreme Court has held that while assessing the amount of compensation increase in the income on account of future prospects is required to be taken into consideration. The appellant, at the time of accident, was 55 years of age. Hence, he is entitled to 10% increase in the income on account of future prospects. He remained admitted in the hospital for a period of 38 days. He must have suffered the pain and suffering as there was an amputation of his right thumb. Hence, the Tribunal has erred in failing to award any amount on account of pain and suffering.

8. Keeping in view the aforesaid facts and circumstances of the case, on account of the pain and suffering, the amount is assessed at ₹30,000/-. The appellant must have spent at least ₹10,000/- for

transportation as he remained admitted in the hospital for a period of 38 days. On account of the attendant charges, the Tribunal has awarded only ₹15,000/- which shall be increased to ₹25,000/-.

9. With the aforesaid modifications, the present appeal is disposed of. The enhanced amount of compensation is worked out as under:-

| Sr. No. | Heads under which the amount awarded            | Amount awarded by the Tribunal (In ₹) | Amount awarded by the High Court (In ₹)        |
|---------|-------------------------------------------------|---------------------------------------|------------------------------------------------|
| A)      | Monthly Income                                  | 5,380.00                              | 5,380.00                                       |
| B)      | Future Prospects                                | NIL                                   | 538.00<br>(10% of the monthly income assessed) |
| C)      | Income assessed after adding future prospects   | 5,380.00                              | 5,918.00                                       |
| D)      | 16% of the monthly income                       | 861.00                                | 947.00                                         |
| E)      | Loss of annual income                           | 10,332.00<br>(861x12)                 | 11,364.00<br>(947x12)                          |
| F)      | Amount assessed after applying multiplier of 11 | 1,13,652.00<br>(10,332x11)            | 1,25,004.00<br>(11,364x11)                     |
| G)      | Compensation awarded for medical treatment      | 1,18,000.00                           | 1,18,000.00                                    |
| H)      | Attendant Charges                               | 15,000.00                             | 25,000.00                                      |
| I)      | Loss of Wages                                   | 16,140.00                             | 16,140.00                                      |
| J)      | Transportation Charges                          | NIL                                   | 10,000.00                                      |
| K)      | Pain and Suffering                              | NIL                                   | 30,000.00                                      |
| L)      | Total compensation awarded                      | 2,62,792.00<br>(F+G+H+J+K+L)          | 3,24,144.00<br>(F+G+H+J+K+L)                   |
| M)      | Amount of compensation enhanced by this Court   | 61,352/-<br>(3,24,144-2,62,792)       |                                                |

10. The enhanced amount shall be payable with interest @ 7% per annum from the date of filing of the claim petition till its realization.

August 07, 2023  
“DK”

(Anil Kshetarpal)  
Judge

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No