

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(229)

FAO-5711-2016

Date of Decision : February 14, 2023

Amit Gulati

.. Appellant

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Paramveer Singh, Advocate, for
Mr. Samir Rathaur, Advocate, for the appellant.

Mr. Sukhdarshan Singh, Advocate, for respondent No.4-
Insurance Company.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the appellant argues that there are glaring irregularities in assessing the compensation by the Motor Accident Claims Tribunal, Ambala in the Award dated 07.04.2016.

Learned counsel for the appellant submits that without even ascertaining the income of the victim, the compensation has been calculated and that too by considering the disability of the victim to be 70% and not 100% despite the fact that the doctor, who was examined, has clearly stated in his statement that the victim is 100% disabled keeping in view the injury suffered. Learned counsel for the appellant further submits that the compensation is required to be computed keeping in view the settled principle of law, which should also include the aspects such as loss of

marriage prospect and loss of amenities, medical expenses already incurred and as the applicant was 100% disabled, the attendant charges.

Learned counsel for the appellant submits that even the loss of future income was required to be computed only after ascertaining the minimum wages for which the victim was entitled for, which facts/aspects are missing in the Award and therefore, the same is liable to be set aside.

Learned counsel appearing on behalf of respondent No.4- Insurance Company very fairly concedes that without even fixing the income of the victim, the Award has been given by the Tribunal so as to compute the compensation.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that income of the appellant needs to be ascertained so as to assess the compensation, which facts need evidence to be established, hence, the Award dated 07.04.2016 is set aside and the case is remanded back to the Tribunal for ascertaining the income of the victim and thereafter, decide the quantum of compensation for which the appellant-victim will be entitled for on the aspect of loss of future income, attendant charges, medical expenses and treatment, future medical expenses, loss of marriage prospects and loss of amenities, pain and suffering and interest and keeping in view the evidence, which will come on record, the compensation under these heads be computed qua the entitlement of the appellant-victim.

It is made clear that in case the compensation computed in respect of the Award dated 07.04.2016 has already been disbursed to the appellant, while passing the fresh order, the said amount be adjusted in case,

the entitlement of the appellant is found to be more than Rs.15,40,000/- as already granted in the impugned Award.

The present appeal is disposed of in above terms.

Let the parties appear before the Tribunal on 17.04.2023.

February 14, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No