



FAO-1278-1995 (O&M)

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

FAO-1278-1995 (O&M)

Date of decision : 13.11.2024

Mr. Mohit Gupta

....Appellant

Versus

Suresh Kumar &ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Vinod Gupta, Advocate
for the appellant.

Mr. Sandeep Singh Mann, Addl. A.G., Haryana.

PANKAJ JAIN, J.(ORAL)

1 Claimant is in appeal. The issue relates to quantum only.

2 The claimant suffered disability to the extent of 20%. He is 17 years old boy who suffered stiffness of knee and ankle joint. Trial Court treating his notional income as Rs.1,500/- calculated compensation applying multiplier method. Accident is of the year 1993. Notional income has been rightly assessed. Nothing has been paid on account of future prospects. 40% needs to be added. Functional disability has been assessed equivalent to the permanent disability suffered by the claimant.



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3 Learned counsel for the appellant relies upon ration of law laid down by Supreme Court in ***Chandramma Vs. Manager, Regional Office, NCC Limited &anr., 2023 AIR (Supreme Court) 21*** wherein it has been observed asunder :-

“23. Having considered the aforesaid facts of the present case and the dictum of the judicial pronouncements referred to above and the position of the appellant after the accident, incapacitated her from carrying out her vocation as a labourer, we are of the opinion that the impugned order passed by the High Court is not liable to be sustained. The functional disability of the appellant is liable to be assessed as 100% and, accordingly, the compensation is to be determined. The functional disability of the appellant being 100%, her age being 40 years and income being Rs.8000/-, 60% whereof works out to be Rs.4800/- and applying the multiplier of 184.17, as per Schedule IV of the 1993 Act, the compensation works out to be Rs.8,84,016/-. Adding an amount of Rs.42,200/- towards medical expenses for which the bills were presented, the total compensation works out to be Rs.9,26,216/- rounded off to Rs. 9,30,000/-. The appellant shall also be entitled for payment of interest @ 9% per annum, from the date of making the application till the date of actual payment.”

4 A 17 years old boy has been left crippled for whole of his life. The functional disability is assessed at 50%. Loss of future income needs to be assessed accordingly. Nothing has been paid for pain and suffering. Consequently, I grant Rs.1.00 lakh for pain and suffering. Medical expenses of Rs.15,000/- have been rightly granted on actual basis. Rs.1.00 lakh is granted under the head of loss of amenities of life along with Rs.25,000/- for



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attendant charges, Rs.25,000/- for special diet, loss of marriage prospects Rs.2.00 lakhs and Rs.25,000/- for transportation.

5 Appellant shall also be entitled for interest @9% per annum from the date of filing of the petition till the date of actual realization.

6 Impugned award passed by the Tribunal is modified accordingly.

7 Appeal stands disposed off.

13.11.2024
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

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