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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-1853-2022 (O&M) &
XOBJC-35-2022 (O&M)
Date of Decision : 13.08.2024

The Oriental Insurance Company Ltd. ... Appellant(s)
Versus
Rajesh and Another ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Akashdeep Singh, Advocate for the appellant.

Mr. Yogesh Gupta, Advocate
for respondent No.1/cross-objector.

ALKA SARIN, J. (Oral)

1. The only challenge in the present appeal is to the income of the injured claimant/respondent No.1/cross-objector which has been assessed as Rs.10,000/- per month. In the present appeal there is no challenge laid to the amounts awarded under the other heads. The injured claimant/respondent No.1/cross-objector in the present case was stated to be working as a Cook-cum-Helper.
2. Learned counsel for the appellant-insurance company would contend that the income of the injured claimant/respondent No.1/cross-objector has been taken on the higher side and the same should have been treated as that of an unskilled worker in the absence of any evidence.
3. *Per contra* the learned counsel for the injured claimant/respondent No.1/cross-objector would contend that in the

connected appeals i.e. **FAO-1846-2022** titled as “**The Oriental Insurance Company Limited Vs. Uma Devi & Ors.**” and **FAO-1848-2022** titled as “**The Oriental Insurance Company Limited Vs. Ram Parkash & Ors.**”, decided on 04.01.2024, which pertained to the same accident, two people had lost their lives who were also working as Cooks and their income has already been assessed by this Court in the said cases as Rs.9,754/- per month. The learned counsel for the injured claimant/respondent No.1/cross-objector has contended that no amount has been awarded towards loss of income for the period during which the injured claimant/respondent No.1/cross-objector remained admitted in hospital i.e. the period of one month. The learned counsel for the injured claimant/respondent No.1/cross-objector has further contended that no amount has been awarded towards loss of marriage prospects.

4. Learned counsel for the appellant-insurance company is not in a position to deny the fact that in the connected appeals (**FAO-1846-2022 and FAO-1848-2022**), which pertained to the same accident, two people, who were also working as Cooks, had lost their lives and their monthly income has been assessed as Rs.9,754/- treating them as skilled workers. The learned counsel for the appellant-insurance company is also not in a position to deny that it has come on the record that the injured claimant/respondent No.1/cross-objector remained admitted in hospital for a period of one month. Qua the compensation towards loss of marriage prospects, the learned counsel for the appellant-insurance company has contended that there is not an iota of evidence regarding the functional disability or inability to walk or use his arm and hence no amount can

possibly be awarded under the head loss of marriage prospects.

5. I have heard the learned counsel for the parties.
6. In the present case the Tribunal has awarded the following compensation :

1.	Period of Hospitalization	23.2.2019 to 25.3.2019
2.	Occupation and Income	Cook-cum-helper
	Pecuniary Expenses	Rupees
i.	Medicines	Rs.40,807/-
ii.	Loss of future earnings due to disability after applying the multiplier of 18	Rs.10000x12= Rs.1,20,000x30% = Rs.36,000x18= Rs.6,48,000/-
iii	Special diet	Rs.25,000/-
iv.	Transportation	Rs.25,000/-
v.	Attendant charges	Rs.20,000/-
vii.	Future medical Expenses	Rs.40,000/-
	<u>Non-Pecuniary Expenses</u>	
i.	Pain and sufferings and agony	Rs.50,000/-
ii.	Loss of expectation of life and amenities	Rs.50,000/-
	Total	Rs.8,98,807/- (Rounded off Rs.8,98,800/-)

7. There is no dispute that the injured claimant/respondent No.1/cross-objector herein was working as a Cook-cum-Helper. In the accident which took place, two people had lost their lives and in the connected appeals being **FAO-1846-2022** and **FAO-1848-2022** this Court vide order dated 04.01.2024 modified the monthly income to the extent of Rs.9,754/- instead of Rs.10,000/- as assessed by the Tribunal. The deceased in the said cases were also working as Cooks. The injured claimant/respondent No.1/cross-objector in the present case is similarly situated and hence his income is also assessed as Rs.9,754/- per month. No other ground has been raised in the grounds of appeal or argued before this

Court. The amounts awarded under the remaining heads are maintained. Further, since the injured claimant/respondent No.1/cross-objector remained admitted in hospital for a period of one month, hence, an amount of Rs.9,754/- is awarded towards loss of income for the period of admission in the hospital.

8. The argument of the learned counsel for the injured claimant/respondent No.1/cross-objector that no amount has been awarded towards loss of marriage prospects cannot be accepted inasmuch as there is not an iota of evidence regarding the functional disability or inability to walk or use his arm and hence no amount can possibly be awarded under the head loss of marriage prospects.

9. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	Rs.9,754/-
2.	Annual income	[Rs.9,754x12]=Rs.1,17,048/-
3.	Loss of future earnings due to 30% disability	Rs.35,114/-
4.	Multiplier of 18	Rs.35,114x18=Rs.6,32,052/-
5.	Medicines	Rs.40,807/-
6.	Special diet	Rs.25,000/-
7.	Transportation	Rs.25,000/-
8.	Attendant charges	Rs.20,000/-
9.	Future medical Expenses	Rs.40,000/-
10.	Pain and sufferings and agony	Rs.50,000/-
11.	Loss of expectation of life and amenities	Rs.50,000/-
12.	Loss of Income on account of hospitalization for one month	Rs.9,754/-
	Total	Rs.8,92,613/-

10. In view of the above discussion, the present appeal (FAO-1853-2022) filed by the Insurance Company as well as the

cross objections (**XOBJC-35-2022**) filed by the injured claimant/respondent No.1/cross-objector are partly allowed. The award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

13.08.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO