

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**R-403****FAO No.916 of 2008****Date of Decision : 29.01.2024**

Harleen Kaur

....Appellant

VERSUS

Bir Karan Singh and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vipul Sharma, Advocate for the appellant.

Mr. Pardeep Goyal, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellant against the award dated 20.10.2007 passed by the Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal') whereby a lump sum amount of Rs.50,000/- was awarded as compensation to the claimant-appellant.

2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.

3. Learned counsel for the claimant-appellant would contend that a lump sum amount of Rs.50,000/- has been awarded to the claimant-appellant though it has come on the record that the appellant had suffered fracture shaft humerus, fracture ulna right side, fracture clavical, injuries on urinary bladder and internal hemorrhage and remained admitted for 14 days in the PGIMER Chandigarh and was taking treatment for 16 months thereafter. The permanent disability of the claimant-appellant has also been

assessed as 12%. Learned counsel for the claimant-appellant would further contend that income tax returns of the claimant-appellant were proved on the record and her annual income was taken as Rs.60,000/-. Learned counsel for the claimant-appellant has relied upon a judgment of the Hon'ble Supreme Court in the case of **Pappu Deo Yadav Vs. Naresh Kumar & Ors. [2020 (4) RCR (Civil) 404]** to contend that a multiplier method ought to have been applied.

4. *Per contra* learned counsel for respondent No.3-Insurance Company has contended that a sufficient amount of compensation has been awarded to the claimant-appellant and there is no scope of any further enhancement.

5. I have heard learned counsel for the parties.

6. In the present case the Tribunal has awarded a lump sum amount of Rs.50,000/- as compensation to the claimant-appellant for the injuries suffered by her in the accident. The claimant-appellant was 46 years of age at the time of accident and had suffered the following injuries:

1. Fracture shaft humerous,
2. Fracture ulna right side,
3. Fracture clavical,
4. Injuries on urinary bladder and internal hemorrhage

7. The claimant-appellant had also undergone two operations and a rod was inserted. She remained hospitalized for 14 days and underwent follow up treatment for a total period of 16 months. Her permanent disability to the extent of 12% was proved on the record. In view of the law laid down by the Hon'ble Supreme Court in case of **Pappu Deo Yadav (supra)**, a

multiplier method ought to have been applied. The loss of income of the appellant due to the disability to the extent of 12% suffered by her is assessed as Rs.93,600/- per annum (Rs.7,200 x 13) after applying a multiplier of 13. No amount has been awarded by the Tribunal towards medical bills and hence a lump sum amount of Rs.5000/- is awarded towards medical bills. An amount of Rs.15,000/- has been awarded towards pain and suffering and the same is enhanced to Rs.50,000/-. The Tribunal has not awarded any amount towards loss of amenities of life. The claimant-appellant is held entitled to an amount of Rs.25,000/- towards loss of amenities of life. The Tribunal has awarded an amount of Rs.2,500/- under the head Special Diet. The same is enhanced to Rs.30,000/-. The Tribunal has also awarded an amount of Rs.2,500/- towards transportation, which is enhanced to Rs.25,000/-. The claimant-appellant is also awarded an amount of Rs.30,000/- towards future medical expenses. The bills qua attendant charges and physiotherapy though were produced before the Tribunal, however, the same were not considered. This Court deems it appropriate to grant Rs.3,000/- per month for a period of 16 months (Rs.3000 x 16 = Rs.48,000) towards attendant and physiotherapy charges. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Annual income	Rs.60,000/-
2	Loss of income due to disability of 12%	Rs.7,200/- [Rs.60,000 - 52,800]
3	Multiplier of 13	[Rs.7,200 x 13] = Rs.93,600/-
4	Medical Bills	Rs.5,000/-
5	Pain and suffering	Rs.50,000/-
6	Loss of Amenities of life	Rs.25,000/-
7	Special Diet	Rs.30,000/-

8	Future Medical Expenses	Rs.30,000/-
9	Attendant and physiotherapy charges for 16 months @ Rs.3000/- per month	[Rs.3,000 x 16] = Rs.48,000/-
10	Transportation charges	Rs.25,000/-
	Total Compensation	Rs.3,06,600/-

8. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.
9. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

29.01.2024
jk

(ALKA SARIN)
JUDGE

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