113

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6462-2023
Date of decision: 28.10.2024

Gurpreet Singh

...Appellant

Versus

Munish Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rupender Singh Rana, Advocate for the appellant.

Mr. Ripudaman Singh Brar, Advocate for respondent No.1.

Mr. Varun Sharma, Advocate for respondent No.2.

****

VIKAS BAHL, J. (ORAL)

1. The present appeal has been filed by the claimant who has suffered permanent disability of 77%. The only issue which arises for consideration in the present case is as to whether the compensation awarded to the claimant to the tune of Rs.26,27,818/- is adequate or not and as to whether the same deserves to be enhanced or not, as all the other questions including the question of the present appellant having suffered the injury in the accident that took place on 04.01.2020 involving the offending truck-trailor bearing registration No.PB-65-A-1295 which was being driven and owned by respondent No.1 and was insured by respondent No.2 are not in dispute in the present case.

2. Learned counsel for the appellant has submitted that the amount

awarded to the appellant is highly inadequate, inasmuch as, the income of the present appellant, who was working as a cleaner, had been wrongly taken as Rs.9000/- per month and the same deserves to be enhanced to Rs.10,000/- per month. It is submitted that under the head of loss of income and permanent disability, Rs.54,000/- had been awarded to the present appellant whereas an amount of Rs.2,50,000/- is to be awarded on the said account. Furthermore, on account of pain, suffering and loss of amenities the appellant is entitled to an amount of Rs.3,00,000/- instead of the amount of Rs.50,000/- which had been awarded to him. It is further submitted that attendant charges have not been granted to the appellant, which have to be granted to him to the tune of Rs.50,000/- as per the settled law and the amounts under the heads of future medical expenses, loss of marriage prospects, transportation, special diet as well as loss of expectation of life have also not been granted by the Tribunal and accordingly, amounts of Rs.2,00,000/-, Rs.2,00,000/-, Rs.1,00,000/- and Rs.2,00,000/- respectively are to be granted to the present appellant on the said accounts. It is submitted that thus, an additional amount of compensation of Rs.8,71,302/- be granted to the appellant along with interest at the rate of 9% per annum from the date of filing of the claim petition till its realisation.

3. Learned counsel for the Insurance Company, on the other hand, has submitted that the amounts claimed by the present appellant are highly excessive and cannot be granted to him. It has been highlighted that the permanent disability is not qua the whole body and it is qua a limb i.e., the right leg. It is submitted that in such a situation, on account of loss of income and permanent disability the present appellant would not be entitled to Rs.2,50,000/-, rather the highest amount that can be awarded to him is

Rs.1,00,000/-. On account of pain, suffering and loss of amenities, it is submitted that the appellant has claimed an amount of Rs.3,00,000/- which is highly excessive and even future medical expenses to the tune of Rs.2,00,000/- as well as loss of marriage prospects to the tune of Rs.2,00,000/- and amount for transportation and special diet to the tune of Rs.1,00,000/- as well as amount for loss of expectancy of life to the tune of Rs.2,00,000/- are highly excessive and the same need to be suitably modified. It is further submitted that the interest which has been claimed by the present appellant on the additional amount of compensation, i.e., 9% per annum is also not in accordance with the settled law and interest @ 6% per annum could be granted to the present appellant on the additional amount of compensation.

4. Learned counsel for the appellant, keeping in view the settled law as well as the objections raised by learned counsel for the respondent-Insurance Company, has placed a revised chart in the Court today which is taken on record and marked as Mark “A”. Relevant portion of which is reproduced hereinbelow:-

“CALCULATION TABLE

IN

FAO NO.6462 OF 2023

GURPREET SINGH V/S MUNISH KUMAR AND ANOTHER

Sr. No.	*Particulars*	*As awarded by MACT*	*As per settled law*	*Difference of amount of compensation*
1.	*Date of accident*	*04.01.2020*	---	---
2.	*Date of award*	*15.09.2023*	---	---
3.	*Name of injured*	*Gurpreet Singh working as a Cleaner*		---

4.	*Age*	*30*	*30 (Rightly taken)*	*---*
5.	*Permanent disability*	*77%*	*77% (Rightly taken)*	*---*
6.	*Income*	*Rs.9,000/-*	*Rs.10,000/-*	*Additional from the income taken by MACT Rs.1,000*
7.	*Multiplier*	*17*	*17 (rightly taken)*	*---*
8.	*Future Prospects*	*40%*	*40% (rightly taken)*	*---*
9.		*9000 x 77% + 40% (Future Prospects) x 17 x 12 Rs.19,79,208/-*	*10,000/- x 77% + 40% (Future Prospects) x 17 x 12 Rs.21,99,120/-*	*1000 x 77% + 40% (Future Prospects) x 17 x 12 Rs.2,19,912/- (21,99,120 – 19,79,208)*
10.	*Loss of income and permanent disability*	*Rs.54,000/-*	*Rs.1,00,000/-*	*Rs.46,000/-*
11.	*Pain, suffering and loss of amenities*	*Rs.50,000/-*	*Rs.1,50,000/-*	*1,00,000/-*
12.	*Attendant charges*	*NIL*	*Rs.50,000/-*	*Rs.50,000/-*
13.	*Future Medical expenses*	*NIL*	*Rs.50,000/-*	*Rs.50,000/-*
14.	*Loss of marriage prospects*	*NIL*	*Rs.1,50,000/-*	*Rs.1,50,000/-*
15.	*Transportation and special diet*	*NIL*	*Rs.50,000/-*	*Rs.50,000/-*
16.	*Loss of expectation of life*	*NIL*	*Rs.50,000/-*	*Rs.50,000/-*

17.	*Physical and mental agony*	*Rs.30,000/-*	*Rs.30,000/-*	---
18.	*Medical Bills*	*Rs.14,610/-*	*Rs.14,610/-*	---
19.	*Prosthetic Limb*	*Rs.5,00,000/-*	*Rs.5,00,000/-*	---
20.	*Interest*	*@7.5%*	*@7.5%*	---
	Total	*Rs.26,27,818/-*	*Rs.33,43,730/-*	*Rs.7,15,912/-*

5. Revised chart submitted by learned counsel for the appellant takes into consideration the objections raised by the respondent-Insurance Company. This Court finds that the amounts which have been mentioned in the revised chart are in accordance with law and are just and equitable. With respect to the rate of interest, this Court has repeatedly deemed fit to award rate of interest at the rate of 7.5% per annum, which rate of interest is also reasonable in the present case.

6. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the award dated 15.09.2023 is modified and respondent No.2-Insurance Company is directed to pay the additional amount of compensation to the tune of Rs.7,15,912/- to the appellant along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realisation within a period of six weeks from today.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

28.10.2024 **(VIKAS BAHL)**
Pawan **JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No