

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

134

**FAO-2986-2024 (O&M)  
Date of decision : 10.03.2025**

**Om Parkash**

**..... Appellant**

**versus**

**Guravtar and others**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Parveen, Advocate  
for the appellant.

Mr. R.C. Gupta, Advocate  
for respondent No.3-Insurance Company.

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**PANKAJ JAIN, J. (ORAL)**

**CM-10773-CII-2024**

This is an application for condonation of delay of 70 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed. Delay of 70 days in filing the appeal stands condoned.

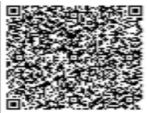
**CM-10772-CII-2024**

This is an application for condonation of delay of 55 days in re-filing the appeal.

For the reasons mentioned in the application, the same is allowed. Delay of 55 days in re-filing the appeal stands condoned.

**Main case**

1. Claimant questions quantification of compensation.



2. Claimant approached MACT, Panchkula under Section 166 of the Motor Vehicles Act seeking compensation on account of injuries and permanent disability suffered by him in a motor vehicular accident dated 17.04.2022. Claimant suffered multiple injuries. It is claimed that he was running a tea shop near BRS Dental College, Jalauli and earning Rs.55,000/- per month. Tribunal granted compensation as per following tabulation:-

| Sr. No. | Head under which amount awarded | Amount        |
|---------|---------------------------------|---------------|
| 1.      | Disability                      | Rs.50,000/-   |
| 2.      | Medicines and treatment         | Rs.66,790/-   |
| 3.      | Pain and suffering              | Rs.20,000/-   |
| 4.      | Special diet                    | Rs.10,000/-   |
| 5.      | Transportation                  | Rs.10,000/-   |
|         | Total                           | Rs.1,56,790/- |

3. Disability certificate reads as under:-

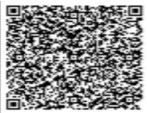
“xx            xx            xx

(A) He is a case of Locomotor Disability

(B) The diagnosis in his case is Case of Multiple Rib Fractures and fracture metacarpal right and fracture Ulna left and fracture clavicle right with Restriction of Movements. Disability 25% in relation to Body (Permanent).

(C) He has 25% (in figure) Twenty Five percent (in words) Permanent Disability in relation to his as per the guidelines (Guidelines for the purpose of assessing the extent of specified disability in a person included under Rpwd Act, 2016 notified by Government of India vide S.O. 76(E) dated 04/01/2018).”

4. Claimant seeks enhancement of compensation. Counsel submits that instead of granting lump sum compensation, the claimant needs to be awarded compensation applying multiplier method. There is no evidence on record to prove monthly salary of the injured-claimant.



He is 17 years of age. Minimum monthly wages notified qua unskilled worker are Rs.11,857/-. This Court deems it feet to take monthly income of the claimant to be Rs.10,000/-. Keeping in view his age, no future prospects need to be awarded. In terms of **‘Smt. Sarla Verma & others vs. Delhi Transport Corporation & another’ (2009) 6 SCC 121**, multiplier of 5 will be applicable. Thus, the loss of income keeping in view 25% disability shall be  $Rs.7,500 \times 12 \times 5 \times 1/4 = Rs.1,12,500/-$

5. Medical expenses to the tune of Rs.66,790/- have been awarded on actual basis. The same needs no modification. Transportation of Rs.10,000/- is enhanced to Rs.15,000/-. For pain and suffering, the claimant is awarded a sum of Rs.50,000/-. For special diet, he is awarded a sum of Rs.15,000/-. Rs.15,000/- is awarded on account of attendant charges. Another sum of Rs.50,000/- is awarded for loss of amenity.

6. Claimant is further held entitled for interest @7% per annum on the awarded amount from the date of filing of claim petition till the date of actual realization.

7. Consequently, the present appeal is disposed off.

8. Needless to say anything already paid shall be adjusted and set off.

(PANKAJ JAIN)  
JUDGE

10.03.2025  
Dinesh

|                           |     |
|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable :      | No  |