



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

**FAO No.2403 of 1994 (O&M)
Date of Decision : 27.03.2025**

Om Parkash

.....Appellant

Versus

Kanhaya Lal and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sushil Sheoran, Advocate
for the appellant.

Mr. Raj Kumar, Advocate
for respondent No.3.

PANKAJ JAIN, J.(Oral)

CM No.4192-CII of 2025

This is an application filed under Order XXII Rule 3 read with Section 151 CPC, 1908 for bringing on record Legal Representatives of deceased/appellant Om Parkash.

For the reasons recorded in the application, the same is allowed subject to all just exceptions. Legal heirs of the applicant/appellant as detailed out in Para No.2 of the application, are ordered to be impleaded.

Amended memo of parties is taken on record.

FAO No.2403 of 1994

Claimant questions the quantification of compensation by the Tribunal and claims modification thereof.



2. Fresh power of attorney has been filed by Mr. Raj Kumar, Advocate on behalf of respondent No.3, today in Court. The same is taken on record.

3. Claimant is an injured, who suffered multiple grievous injuries in a motor-vehicular accident, dated 20.01.1992. The appellant, who was employed as Peon/Sweeper had gone to drop the children of the Manager of the Haryana State Warehousing Corporation, Uklana on his bicycle. While coming back, he was hit by offending vehicle being driven in a rash and negligent manner. The claimant received multiple injuries. His urinary bladder was ruptured. Hip bone and pelvis bone were fractured. The appellant was rendered permanently disabled. The appellant remained absent from 20.01.1992 to 08.04.1992. For the said period, he was paid half pay. He further remained on leave without pay for a period of two weeks. As per Dr. M.R. Sapra, who appeared as PW4, claimant suffered disability to the extent of 50%.

4. Tribunal while computing compensation held as under:

“12. The claimant had suffered rupture of urethra urinary bladder, pelvic bone and abdomen, besides a fracture of the leg. He has also stated that he was unable to walk without proper held and his son had to take him to the place of his job. He further stated that he was still having pains and sometimes passed blood in the urine. There is nothing on the record to contradict him on that aspect of the matter. Therefore, the claimant must have obviously suffered considerable pain and would continue to suffer the same for the xxx of his life. Not only that, his sexual life has also been paralysed so that he cannot enjoy life as a normal human being. In



this situation, it would be difficult to arrive at an approximate estimate of the pain and suffering of the claimant. However, I would place it at Rs.50,000/- (Fifty thousand).

13. From the above, it would appear that the claimant is entitled to a compensation of Rs.58,000/- on account of medication; Rs.4500/- on account of better diet; Rs.2550/- for loss of salary and Rs.50,000/- for pain and suffering. The total expenses of the claimant would thus come to Rs.1,15,850/- (Rs. One lac, fifteen thousand, eight hundred and fifty only).”

5. In the considered opinion of this Court, the compensation needs to be modified. Amount of Rs.58,000/- on account of medication has been paid on actual basis. The same needs no modification. Loss of salary of Rs.2,550/- has also been rightly calculated by the Tribunal. The same needs no modification. Claimant is held entitled for an amount of Rs.10,000/- each, for attendant charges for around three months and special diet for six months. Amount of Rs.50,000/- awarded for pain and suffering also needs to be enhanced to Rs.2,00,000/-. Nothing has been paid on account of 50% disability. The claimant was getting monthly income of Rs.1,450/-. 40% future prospects needs to be added. Annual dependency thus comes out to be Rs.12,180/-. Keeping in view the age of the claimant, multiplier of 16 needs to be applied. Thus, the total compensation payable to the claimant on account of permanent disability of 50% will be Rs.1,94,880/-. Nothing has been paid on account of loss of amenities. Claimant is further entitled to an amount of Rs.50,000/- on account of loss of amenities. Appellant is also



held entitled for interest @ 7.5% per annum from the date of filing of the claim application till the date of actual realization.

6. Needless to say, amount already paid to the claimant/appellant shall be set off.

7. Compensation shall be equally apportioned amongst the LRs of the appellant/claimant.

8. With the aforesaid modification in the impugned award, the instant appeal is disposed off.

March 27, 2025

Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No