



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

**FAO No.1472 of 1995 (O&M)
Date of decision : 09.12.2024**

Gian Chand

....Appellant

Versus

Om Pal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : None for the appellant.

Mr. Lalit Garg, Advocate
for the respondent/Insurance Co.

PANKAJ JAIN, J. (ORAL)

Claimant is in appeal.

2. Issue involved in the appeal is *qua* quantum only. Appellant seeks enhancement of compensation. The Tribunal while assessing the income, observed as under :

“30. The petitioner has been running a bangles shop where he was selling some other items of merchandise also. His income must have been Rs.1500/- to Rs.2000/- because even labourers earn around Rs.1000/- now-a-days. The petitioner is a matriculate per certificate Ex.P.65. His age was about 27 years and the whole life lies ahead which he is to face with xx leg. He, however, can still attend to his shop. It xxxx difficult to assess the amount of compensation. Here again the court has to bring into play its training of mind and hits own experience of men and matters. Some amount of approximation will be inherent. Keeping in view all the pervading circumstances, and the nature and extent of

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disability, I assess the compensation on this count at Rs.80,000/-. Even otherwise if the extent of disability is taken at Rs.500/- per month or Rs.6000/- per year, and the multiplier of sixteen is applied, the amount shall come to over Rs.96000/-

31. Thus petitioner is entitled to amount of Rs.45000/- on account of expenditure on treatment Rs.45000/- on account of pain and suffering and Rs.80,000/- on account of permanent disability total of which come to Rs.1,70,000/-.

32. Per findings returned under Issue No.1 & 2 Om Pal was the driver of the offending vehicle which was insured with respondent No.3., United India Insurance Company Ltd. and was owned by respondent no.2 Nanak Chand. Said three respondents, in their said capacity, are liable to pay the said compensation jointly and severally and the issue is accordingly decided in favour of the petitioner, and against the said respondent No.1 to 3 to the effect that they shall pay the compensation of Rs.1,70,000/- to the petitioner.”

3. Counsel for the respondent/insurer is not in position to dispute that nothing has been awarded on account of future prospects. Claimant is entitled for 40% of the income to be awarded on account of future prospects. Monthly income be assessed accordingly. Multiplier of 17 would be applicable keeping in view that the injured at the time of accident was 27 years old. Claimant suffered disability to the extent of 80%. Functional disability is taken equivalent thereto. Since the appellant was involved in physical labour to earn his livelihood, loss of income is assessed at 80%. Tribunal awarded medical expanses of Rs. 45,000/- on actual basis. The same need no modification. The claimant is further entitled for an amount of Rs.10,000/- under the head of special diet, Rs. 25,000/- as attendant



charges, Rs. 10,000/- as transport charges and Rs.50,000/- under the head of loss & suffering. Rest of the award needs no modification.

- 4. With the aforesaid modification in the impugned award, the instant appeal is disposed off.
- 5. Needless to say any amount already paid in execution of the award shall be set off.
- 6. Pending application, if any, shall also stand disposed off.

December 09, 2024
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No