

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

106

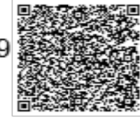
FAO-836-1995**Date of decision : 24.02.2025****Naresh Kumari****..... Appellant****versus****Lal Chand and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Ishan Aggarwal, Advocate for
Mr. Sudhir Aggarwal, Advocate
for the appellant.

Mr. Brij Bhushan Sharma, Advocate for
Mr. Deepak Suri, Advocate
for respondent No.3-Insurance Company.

PANKAJ JAIN, J. (ORAL)

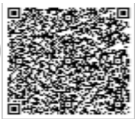
1. Appellant is the claimant seeking compensation on account of injuries and permanent disability suffered by her in a motor vehicular accident dated 09.04.1993.
2. Dissatisfied with the award passed by the Tribunal, she seeks enhancement of compensation. Disability suffered by her to the extent of 30% has been proved by examining PW-1 Dr. Ikhlaq Ahmad. The claimant remained hospitalized till 10.06.1993. Her right fore-foot stands amputated at tender age of 18 years. The claimant is unmarried. The Tribunal awarded her an amount of Rs.1,05,000/-. It has also come on record that the claimant was employed at the time of accident with Gaps India Pvt. Ltd. at a monthly salary of Rs.1,200/-



per month.

3. In the considered opinion of this Court, the award needs to be modified. The claimant remained hospitalized for more than 02 months. She is awarded loss of income for 04 months keeping in view the nature of injuries, i.e. amputation of right fore-foot. It has come on record that she was earning livelihood by operating stitching machine with foot and lost her job as she was rendered incapacitated from the machine. Keeping in view law laid down by Supreme Court in the case of ***Pratap Narain Singh Deo vs. Srinivas Sabata (1976) 1 SCC 289***, disability of 50% suffered by the claimant which led to loss of her vocation needs to be assessed at 100%. The loss of income, thus needs to be assessed taking into consideration her functional disability of 100%.

4. She is further entitled for future prospects @40%. Keeping in view her age, she will be entitled for multiplier of 18. Thus, the loss of income will be $1680 \times 12 \times 18 = 3,62,880/-$. For pain and suffering, she is granted an amount of Rs.50,000/-. Another amount of Rs.25,000/- is granted to her for special diet and Rs.10,000/- for transportation. Amount granted for medical expenses is maintained being on actual basis. However, further amount of Rs.50,000/- is granted to her for implant. She is further granted an amount of Rs.50,000/- for loss of amenities and Rs.1,00,000/- for loss of marriage prospects. She is further entitled to interest @7% per annum from the date of filing of the petition till the date of actual realization.



5. With the aforesaid modification in the impugned award, the present appeal is disposed off.
6. Needless to say anything already paid shall be adjusted and set off.

(PANKAJ JAIN)
JUDGE

24.02.2025
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No