



FAO-2234-2014 (O&M)

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

**FAO-2234-2014
CM-8053-CII-2014
CM-8054-CII-2014
CM-8055-CII-2014
WITH CM-23813-CII-2015
& XOBJC-249-CII-2015 (O&M)
Date of decision : 13.02.2025**

Shri Ram General Insurance Co. Ltd.

..... Appellant

versus

Murti Devi & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Tajender K.Joshi, Advocate
for the appellant.

Mr. Vikas Kumar, Advocate
for respondent No.1-cross objector.

Mr. Yash Goyal, Advocate for
Mr. Sumit Gupta, Advocate
for respondents No.2 & 3.

PANKAJ JAIN, J. (ORAL)**FAO-2234-2014**

On 03.02.2025, following order was passed :-

“Learned counsel for the appellant has raised the submission challenging the grant of future prospect to injured Murti Devi on the ground that she was not in regular service and would not thus be entitled for grant of future prospects.

Learned counsel for respondent No.1, however, brings to the notice of this Court that 04 claim petitions were decided by common judgment and only in the case of Murti Devi, the appeal has been filed, even though the claimants in the other claim petitions were also not having permanent job.

Counsel for the appellant prays for time to seek instructions.

List on 13.02.2025.

To be shown in the urgent list.”

2 Today learned counsel for the appellant has very fairly admitted that *qua* other claim petitions which were decided vide same award and involved similar questions of fact and law, no appeal has been preferred and those awards have been accepted by the appellant.

3 In view thereof, present appeal is dismissed.

4 Since the main case has been decided, the pending miscellaneous application, if any, also stands disposed off.

XOBJC-249-CII-2015

1 Claimant-Murti Devi has filed cross objections. It has come on record that she sustained multiple grievous injuries in the motor vehicular accident on 31.10.2010. She fractured her tibia and fibula of right leg. She remained hospitalized from 31.10.2010 till 17.01.2011. As per disability certificate (Ex.P-4), she suffered disability to the extent of 35%. She has tendered bills Ex.P58 to Ex.P142, Ex.P49 and Ex.P50. She also tendered bills Ex.P147 to Ex.P150 and claims to have spent an amount of Rs.3,00,000/- on her treatment and further claimed that she was still under treatment. She was 30 years of age at the time of accident and was earning Rs.5,000/- from tailoring job. Tribunal assessed compensation payable to Murti Devi as under :-

i)	Monthly income of Murti at the time of accident	:	Rs.4,500/-
ii)	Increase in the salary on account of future prospects at the rate of 50% as per <u>Sarla Verma's case (supra)</u>	:	Rs.2,250/-
iii)	Total monthly income comes to	:	Rs.6,750/-

iv)	Annual income for the purpose of compensation	:	Rs.6,750 x 12 = Rs.81,000/-
v)	After applying the multiplier of '17', the compensation amount comes to,	:	Rs.81,000/- x 17 = Rs.13,77,000/-
vi)	Permanent disability account	:	Rs.4,81,950/-
vii)	Amount of medical bills	:	Rs.419092/-
viii)	Transportation charges	:	Rs.5,000/-
ix)	Attendant charges	:	Rs.5000/-
x)	Special diet	:	Rs.5000/-
xi)	Loss of income	:	Rs.4050/-
xii)	Pain and suffering	:	Rs.5000/-
xiii)	Enjoyment of immunities in life	:	Rs.5000/-
	Total	:	Rs.9,30,092/-

2 Dissatisfied with the same, she has filed cross objections. In the considered opinion of this Court, the cross objector-claimant having fractured tibia and fibula of her right leg, her functional disability has to be taken as 50% even though her medical disability is 35%. Accordingly, compensation payable under the head of permanent disability needs to be modified. Medical expenses have been paid on actual basis which need no modification. Transportation charges also need to be enhanced from Rs.5,000/- to Rs.15,000/-. Attendant charges need to be enhanced from Rs.5,000/- to Rs.10,000/- per month i.e. Rs.40,000/- for the month of November, December, January and February. Special diet also needs to be enhanced from Rs.5,000/- to Rs.25,000/-. A meager amount of Rs.5,000/- has been paid under the head of pain and suffering which needs to be enhanced to Rs.1.00 lakh. A 30 year old young lady has been rendered crippled for the rest of her life. Loss of enjoyment of immunities also need to be enhanced from Rs.5,000/- to Rs.1.00 lakh. Loss of income has been paid only for one month despite the fact that evidence came on record that she remained



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hospitalized for three months and must have been rendered bed ridden for a month thereafter. Resultantly, the loss of income is also enhanced from Rs.4,050/- to Rs.20,000/-.

3 With the aforesaid modification, the cross objections are allowed and the impugned award is modified *qua* cross objector-Murti Devi. She will further be entitled for interest at the enhanced amount as granted by the Tribunal.

4 Needless to say that the amount already paid to the claimant shall be set off and adjusted.

(PANKAJ JAIN)
JUDGE

13.02.2025

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No