



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

**FAO-2190-2017(O&M)
Date of decision: 10.01.2025**

Jogender Singh

..Appellant

Versus

Sunil @ Sonu and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Shiv Kumar, Advocate
and Mr. Jashan S Sekhon, Advocate for the appellant

Mr. Manjit Singh, Advocate for
Mr. Vishal Aggarwal, Advocate
for respondent-Insurance Company

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ANIL KSHETARPAL, J. (Oral)

1. The claimant prays for suitable modification in the award of Rs.5,11,000/-. He suffered 80% permanent disability as his right leg was amputated above knee due to injury suffered by him in a motor vehicular accident. There is no dispute with regard to the accident and the findings of the court with respect to rash and negligent driving. Hence, the only issue which requires adjudication is appropriate amount of compensation. The appellant was 45 years of age at the time of accident and was doing business of binding of books. He remained admitted in Fortis Escorts Hospital, Faridabad. He was awarded Rs.2,21,000/- towards reimbursement of medical expenses, the correctness of which is not challenged. He has also been awarded Rs.10,000/- towards transportation whereas 50,000/- towards

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loss of income. On account of disability, he has been awarded Rs.2,00,000/- whereas for pain and sufferings and for special diet Rs.30,000/ have been awarded.

2. Learned counsel representing the appellant contends that the Tribunal was required to calculate loss of income during injury and hospitalization and subsequently on the basis of functional disability. He submits that the Tribunal has erred in awarding lump sum amount of Rs.2,00,000/- on account of disability. He further submits that the appropriate amount on account of pain and suffering, special diet and engagement of an attendant has not been awarded.

3. Per contra, learned counsel representing the respondent submits that the appellant is required to perform his job while sitting. Hence, he has not suffered any loss.

4. This Court has considered the submissions made by the learned counsel representing the parties.

5. Binding of books is a physical work, which requires physical strength and stamina. Apart from this, a book binder is not supposed to sit whole day but is also required to shift the books which have already been bounded. Thus, he was doing physical work. The Tribunal has assessed his income at Rs.15,000/- per month. His functional disability would be nearly 60%. Thus, the loss of income is assessed at Rs.9,000/- per month. The yearly loss of income would come to $9000 \times 12 =$ Rs.1,08,000/-. Keeping in view his age, multiplier of 14 is being applied. On account of increase in the income in future, he is entitled to addition of 25% as laid down by Five Judge Bench in '*National Insurance Company Ltd. vs. Pranay Sethi and*



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other' 2017 (10) SCC 450. On account of pain and suffering, meagre amount has been awarded. The appellant underwent amputation of his leg. Hence, the amount is increased to Rs.1,00,000/-. He will require assistance throughout his life. The accident has made him dependent. For that purpose, another amount of Rs.1,00,000/- is awarded. The Tribunal has awarded Rs.50,000/- towards loss of income which shall be adjusted towards loss of income during his hospitalization/bed rest. For transportation another sum of Rs.50,000/- is awarded. The amount awarded towards reimbursement of medical expenses is maintained. The amount of compensation is revised as under:-

Heads	Amount awarded by Tribunal	Amount awarded by High Court
Monthly income		15000/-
Multiplier applied and annual income	14	14 9000x12=108000
Permanent disability	60%	80% 9000x14x108000= 20,16,000
Pain & suffering	30,000	1,00,000/-
Assistance for life	-	1,00,000/-
Medical bills	2,21,000	2,21,000/-
Transportation	10,000	50,000/-
Loss of income	50,000	50,000/-
Total compensation	5,11,000	25,47,000
Difference	2547000-511000 = 20,36,000/-	

6. The enhanced amount of compensation shall be payable alongwith interest at the rate of 7.5% per annum from the date of institution of the claim petition i.e. 08.05.2015 till its realization.

7. Appeal stands disposed of.



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8. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

10.01.2025

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No