



FAO-2478-2015(O&M)

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

FAO-2478-2015(O&M)

Date of decision: 17.02.2025

Vijay Singh

..Appellant

Versus

Bajaj Allianz General Insurance Company Ltd. and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arvind Kumar Yadav, Advocate, for the appellant

Mr. Rohit Duggal, Advocate

for Mr. Vishal Aggarwal, Advocate for respondent no.1

ANIL KSHETARPAL, J. (Oral)

1. The claimant prays for modification of award of Rs.1,87,000/- passed in his favour by the Motor Accidents Claim Tribunal, Rewari (hereinafter referred to as the 'Tribunal') on account of injury suffered by him in a motor vehicular accident, which took place on 25.07.2011. The involvement of the offending vehicle, which caused the accident and the correctness of the findings of Tribunal with regard to rash and negligent driving on the part of Sunil Kumar is not in dispute. The appellant has suffered permanent disability to the extent of 45% which pertains to right lower limb only. Dr. A.K.Saini, while appearing as PW5 has stated that it will affect the performance of the whole body. The appellant was working as a Driver as he was licensed to drive Light Transport Vehicles. At the relevant time, he was driving a light transport vehicle. The Tribunal has awarded Rs.9900/- towards loss of income and loss of earning on account of

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permanent disability has been assessed at Rs.90,000/-. He has also been reimbursed medical charges namely Rs.77,100/-.

2. Learned counsel representing the appellant contends that the Tribunal has failed to grant attendant, transportation and special diet charges and loss of enjoyment. He further submits that the appellant has not been granted any amount for follow up treatment.

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

4. The compensation was required to be assessed after calculating per month loss of income and thereafter applying multiplier. At the time of accident, the appellant was 32 years old young man. Therefore, multiplier of 16 is to be applied. He was earning Rs.3300/- per month. As per medical evidence, the appellant suffered multiple fractures leading to shaft of left femur and comminuted fracture right femur, fracture shaft of right ulna and fracture 2nd and 5th metatarsal in the accident.

5. Keeping in view the injury suffered by the appellant, the functional disability of the appellant is assessed at 30%. On account of future prospects, the appellant is entitled to 40% increase. He remained hospitalized for 35 days. Thereafter, it must have taken some time to resume his job. Hence, the loss of income on that account is assessed for a period of 6 months at Rs.19,800/-. Towards transportation, attendant and special diet charges, the appellant shall be entitled to Rs.20,000/- each. Towards loss of enjoyment, he shall be entitled to an additional amount of Rs.1,00,000/-. For follow up treatment, the appellant shall be entitled to an additional amount

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of Rs.50,000/-. The enhanced amount for pain and suffering Rs.50,000/-.

Hence, the amount of compensation is re-assessed as under:-

Heads	Amount awarded by Tribunal	Amount awarded by High Court
Monthly income	3300/-	3300/-
Future prospects	Nil	40% 3300 x40%= 1320
Monthly income	3300/-	3300+1320=4420
Multiplier	Nil	16
Loss of future income	Nil	4420x12x16=8,48,640/- 848640x30% =2,54,592/-
Permanent disability	90,000/-	-
Medical expenses	77,100/-	77,100/-
Special diet	Nil	20,000/-
Transportation	Nil	20,000/-
Attendant charges	Nil	20,000/-
Pain and suffering	Nil	50,000/-
Loss of enjoyment	Nil	1,00,000/-
Follow up treatment	Nil	50,000/-
Total compensation	1,87,000/-	6,11,492/-
Difference	6,11,492-1,87,000= 4,24,492/-	

6. The claimant/appellant shall be entitled to difference in amount of compensation alongwith interest at the rate of 7.5% per annum from the date of filing of the claim petition till its payment.

7. The appeal stands disposed of.

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

(ANIL KSHETARPAL)
JUDGE

17.02.2025

rekha

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No