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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-1646-1994 (O&M)

Date of decision : 19.05.2025

Baljit Singh

....Appellant

Versus

Ajit Singh & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Manmohan Saroop, Advocate and
Ms. Meenakshi Saroop, Advocate
for the appellant.

Mr. R.C.Gupta, Advocate
for respondent No.2-Ins. Co.

Mr. Parveen Chander Goyal, Addl. A.G., Haryana.

PANKAJ JAIN, J.(ORAL)

1 The claimant has questioned the assessment of compensation
by the Tribunal.

2 Claimant suffered injuries in a motor vehicular accident dated
08.04.1992. On 22.04.2025 this Court passed the following order :-

*After hearing the matter at length, this Court finds that
the appellant-claimant suffered injuries in form of two
compound fractures of right leg, which as per counsel for the
appellant led to shortening of the length of the leg of the
appellant. The appellant who claimed to be a mechanic, has
been assessed as a daily wager. Meaning thereby, that the
claimant was earning his livelihood by working physically as a*



labour. In order to assess the just compensation as per the mandate of the Act, it will be apt to get the permanent disability suffered by the appellant assessed from competent Medical Board, Kurukshetra. Chief Medical Officer (CMO) Kurukshetra is directed to constitute Medical Board to assess the permanent disability suffered by the appellant in a motor vehicular accident dated 08.04.1992. The appellant shall appear before Chief Medical Officer (CMO) on 05.05.2025.

The Board shall communicate its report to this Court through Chief Medical Officer (CMO) Kurukshetra before the next date of hearing, fixed as 19.05.2025.

Counsel for State of Haryana shall make sure that the order is communicated to Chief Medical Officer (CMO) Kurukshetra and the same stands complied with. The claimant shall also produce all the medical records available with him with respect to the treatment received by him.

The respondent-insurance company is granted liberty to join the proceedings before the Medical Board.

3 Today, Mr. R.C.Gupta, Advocate has produced on record copy of the Disability Certificate pertaining to the claimant pursuant to order dated 22.04.2025. The same reads as under :-

Annexure R-2
Disability Certificate
Office Of The Civil Surgeon, Kurukshetra

4-

Sr. No. CS/KR/GM/37 Dated 05/05/2025

The Patient: Sh. Baljit Singh s/o. D/o. w/o Sh. Sarwan Singh
Age & Sex 61yr (Male) R/o Village- Badhni
District Kurukshetra Sustained (Injuries) Extensive trauma
in a Road Vehicular accident on 08/04/1992 as per alleged history.

His total physical disability is assessed to be 12% (Twelve per cent) attributed to bilateral fracture of the femur with non-functional fracture.

Permanent

ID Mark Mark.....

Candidate Signature

Attested
Concerned Specialist/ Medical Officer
L.N.J.P. DCH, Kurukshetra

ऑन मानु सोनी
मुख्य चिकित्सक
एन.एन.जी.पी. डी.एच.
कुरुक्षेत्र

C/s
Civil Surgeon
Kurukshetra

Dr. G.N. Singh (Med.)
Ret. Civil Surgeon
Kurukshetra

Principal Medical Officer
L.N.J.P. DCH, Kurukshetra
Civil Hospital
Kurukshetra



4 Keeping in view that the right leg of the claimant has been rendered non-functional his functional disability is accordingly assessed as 25%. It has come on record that the claimant remained hospitalized for around 202 days. He is awarded loss of income for 12 months. Claimant was working as Mechanic. His income on the date of accident is assessed as Rs.1,200/- as per the minimum wages notified by State. 40% future prospects need to be awarded. He was 22 years of age. Multiplier of 18 needs to be applied. Loss of income thus needs to be assessed accordingly. Rs.38,000/- have been awarded for medical expenses on actual basis. The same is ordered to be maintained. Rs.12,000/- are awarded as attendant charges. Rs.12,000/- are awarded for special diet. Rs.12,000/- are awarded for transportation. Rs.50,000/- are awarded for pain and suffering. Rs.25,000/- are awarded for loss of amenities. Rs.12,000/- are awarded for loss of income for 12 months as ordered above. The loss of income on account of permanent disability shall be assessed by the Executing Court keeping in view the parameters fixed hereinabove. Apart from that the claimant shall also be entitled for interest @6% per annum from the date of filing of the claim petition till the date of actual realization.

5 With the aforesaid modification, the appeal is disposed off.

19.05.2025

Pooja Sharma-I

Whether speaking/reasoned:

Whether reportable:

**(PANKAJ JAIN)
JUDGE**

Yes/No

Yes/No