

(2010) 02 P&H CK 0351

High Court Of Punjab And Haryana At Chandigarh

Case No: F.A.O. No. 2152 of 2005

Roop Chand

APPELLANT

Vs

Hari Chand and Others

RESPONDENT

Date of Decision: Feb. 26, 2010

Hon'ble Judges: K.C. Puri, J

Bench: Single Bench

Final Decision: Allowed

Judgement

K.C. Puri, J.

This is an appeal directed by Roop Chand against the award dated 09.03.2005 passed by Motor Accident Claims Tribunal (Adhoc), Patiala vide which the application preferred by Roop Chand was accepted and he was allowed an amount of Rs. 2,54,000/- . It was further observed that the claimant shall be entitled to future interest @ 9% per annum on the decretal amount till realisation.

2. Feeling dissatisfied with the above said award, the present appeal has been filed for enhancement.

3. The learned Tribunal has allowed the compensation as under:

S. No.	Particulars	Amount
01.	Compensation for permanent disability	Rs. 1,77,000-00
02.	For loss of amenities	Rs. 25,000-00
03.	For change of artificial limbs	Rs. 23,600-00
04.	For engaging a servant	Rs. 23,400-00
05.	For medical expenses	Rs. 5,000-00
Total		Rs. 2,54,000-00

4. As per Disability Certificate Exhibit P-2, there was amputation of right arm above elbow and the permanent disability was 89%.

5. In this case, no amount has been granted in respect of pain, sufferings and mental agony, although appellant has suffered total amputation of the right arm above elbow. So, an amount of Rs. One lac stand awarded in respect of pain, sufferings and mental agony. The Tribunal has also not awarded any amount regarding loss of income. The life of a person, whose right arm has been amputated above elbow, can be well imagined. The income of the injured-claimant cannot be taken as less than Rs. 3000/- per month. So in this manner, the yearly income is taken as Rs. 36,000/-. The permanent disability is to the extent of 89%. So the yearly loss of income comes to Rs. 32,040/-. In view of the age of the injured, the multiplier of 7 stand applied in view of authority Smt. Sarla Verma and Ors. v. Delhi Transport Corporation and Anr. 2009 (3) RCR (Civil) 77. The claimant is also held entitled to claim Rs. 2,24,280/- (32040 x 7). The total amount calculated, in this manner, is Rs. 3,24,260/- (2,24,280 + 1,00,000). The amount of Rs. 1,77,000/- granted to claimant for permanent disability stand adjusted against the said amount of Rs. 2,24,280/-.

6. So, in this manner the total enhanced amount comes to Rs. 1,47,280/- (Rs. 1,00,000 + Rs. 47,280 i.e. Rs. 2,24,280-1,77,000), by rounding the same amount comes to Rs. 1,50,000/-. The claimant is held entitled to claim interest @ 7% per annum on whole of the amount i.e. the amount granted by the Tribunal as well as the enhanced amount of Rs. 1,50,000/- from the date of filing of the petition before the Tribunal till its realisation.

7. Disposed of.