

---

**(2014) 07 P&H CK 0370**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : FAO No. 3432 of 2006**

Harjinder Pal Singh

APPELLANT

Vs

Harvinder Singh

RESPONDENT

---

**Date of Decision :** 15-07-2014

**Acts Referred:**

**Citation :** (2014) 07 P&H CK 0370

**Hon'ble Judges :** K. Kannan, J

**Bench :** Single Bench

**Advocate :** Arun Bansal, Advocate for the Appellant; Tarun Singla, Advocate for Rajinder Kumar Singla, Advocate for the Respondent

**Final Decision :** Allowed

---

## Judgement

K. Kannan, J.—The appeal is for enhancement of compensation for injuries suffered in a motor accident that resulted in amputation of his left hand. The claimant was a Teacher working in a Government School and earning Rs. 11,946/-. The doctor who had treated him assessed the disability suffered by him to be 65%. The Tribunal provided for the medical expenses as claimed and assessed Rs. 20,000/- towards pain and suffering and mental agony at Rs. 10,000/- each. It provided for Rs. 1,30,000/- for loss of income earning and assessed a total compensation of Rs. 1,84,978/-. An amputation of hand is a schedule injury under the Workmen's Compensation Act. The Tribunal was justified, therefore, in providing for loss of earning capacity although he continued in the same job taking the loss at 65%. The Tribunal, however, was in error in factoring the multiplicand as Rs. 14,000/- when his monthly income was Rs. 11,946/-. Amputation above elbow is in the range of 60-70 depending on the length of the remaining arm from the tip of acromion. If the doctor has certified the disability at 65%, I would take that to be also resulting in 65% loss of earning capacity as well. I will rework the compensation only to provide for proper assessment relating to the loss of earning capacity and provide for a relatively higher sums towards pain and suffering and for loss of amenity.

2. Taking the income as Rs. 11,946/- and applying 65% loss of earning, the monthly loss must be taken as Rs. 7764/-, I will provide for loss of earning capacity as Rs. 13,97,682/- ( $65\% \times 11,946 \times 12 \times 15$ ). I will increase the component of pain and suffering by another Rs. 30,000/- and provide for Rs. 50,000/- towards loss of amenities. This will mean yet another addition of Rs. 80,000/-. The claimant had also stated that he had taken an invoice from a supplier for providing an artificial limb which was to costs over Rs. 3 lacs. Since it had been merely an approximation which was made, the Tribunal did not make any separate provision for the same. The Courts award compensation for the expenses incurred and the likely expenses which would sure to be incurred in future. Considering the fact that I am providing for the loss of income although he continues in the same employment as not actually suffered a peculiar loss, the law allows for loss of earning capacity for privation of organ on the basis of how the income earning capacity could be impaired if he were to take a job in an open market. Since the said amount is a sizable sum and the additional heads which I have provided aggregated to Rs. 14,77,682/-, I do not think there is a need for making a full increase of what he is claiming but I would provide for Rs. 15 lacs as additional compensation payable over what has already been assessed by the Tribunal. This amount shall also attract interest @6% from the date of petition till the date of payment. The liability shall be on the insurance company.

3. The award stands modified and the appeal is allowed to the above extent.