

KARAMJIT SINGH ... **APPELLANT(s)**

AMANDEEP SINGH & ANR. ... RESPONDENT(S)

Leave granted.

3. The claimant-appellant, on 27.09.2014 while riding his motorcycle along with his son Dilpreet Singh, who was the pillion rider suffered a collision with the vehicle of the respondent no.1 bearing registration no. PB-12-R(T)7535 and suffered injuries in right arm and leg as well as other parts of the body. An FIR bearing no.178/2014 u/Ss 279, 337, 338 and 427 of IPC 1860 was registered at P.S. Chamkaur Sahib, District Rup Nagar. As

a result of the injuries suffered, he underwent surgery and treatment at PGI, Chandigarh and subsequently at Sangh Hospital, Ropar. Ultimately, his right arm was amputated on 21.10.2014.

4. A true copy of the Claim Petition is Annexure P-2. Compensation claimed was to the tune of Rs.40,00,000/- with an additional Rs.4,00,000/- spent on treatment. By an award dated 11.01.2017 the learned MACT granted compensation totalling Rs.6,84,582/-. The Insurance Company of Respondent No.1 was directed to pay the said amount within two months of the award, failing which interest shall be payable at 6% p.a. from the date of filing of the claim petition.

5. Both the parties preferred appeals before the High Court, which were disposed by the common impugned judgment. In the appeal by the present appellant, the High Court enhanced the compensation to Rs.8,26,600/-. The itemized break-down of this amount is as under: -

1. Loss of future earnings	Rs.6,21,600/-
2. Loss of amenities	Rs.30,000/-
3. Treatment and medicine charges	Rs.60,000/-
4. Transportation charges	Rs.15,000/-
5. Pain and suffering	Rs.60,000/-
6. Special diet and nursing charges	Rs.10,000/-
7. Attendant charges	Rs.15,000/-
8. Loss of income during treatment	Rs.15,000/-
Total	Rs.8,26,600/-

6. Further aggrieved by this determination, the claimant-appellant is before us. The Tribunal took the earning of the claimant-appellant as Rs.5000/- per month, whereas in the claim petition, the monthly income of the claimant-appellant has been shown as Rs.25,000/-. A perusal of the award shows that however little, if any, discussion had been made as to the source of livelihood of the claimant-appellant who was apparently a carpenter. That being the case, we have no option but to take, for the purposes of calculation the minimum wages as prevalent during the relevant time issued by the Office of the Labour Commissioner, Punjab.

7. A carpenter is somebody who uses wood and constructs objects for daily use or beauty or in certain countries even housing. A normal person who is not trained in the craft certainly cannot undertake these activities with the level of precision that is required. It would be unfair then, to classify a carpenter as an unskilled worker. We may also notice observations of this Court in *State of Orissa v. Adwait Charan Mohanty* 1995 Supp (1)SCC 470, wherein while speaking of the definition of an artisan reference has been to the Blacks Law

Dictionary which terms an artisan as a person who is skilled in a trade, craft or art requiring manual dexterity. In the examples given thereunder, features the word 'carpenter'. Further, in *Neeta v. Maharashtra SRTC* (2015) 3 SCC 590 it was observed that carpentry is a skilled job.

8. That being the case, the minimum wages as applied to skilled persons is to be taken for the purpose of calculation of compensation, as on the relevant date would be Rs.8337.10. The percentage of disability is 74%. The calculation would now be as under:-

Loss of future earnings at 74% disability	$\text{Rs.}8337 \times 74\% = \text{Rs.}6,169.45$
Annual loss of earning	$\text{Rs. } 6,169.45 \times 12 = \text{Rs.}74,033.4$
Applying multiplier of 14	$\text{Rs.}74,033.4 \times 14 = \text{Rs.}10,36,467.6$
Future prospect as per <i>National Insurance Company vs. Pranay Sethi</i> (2017) 16 SCC page 680 = 25%.	$\text{Rs.}8337.10 \times 12 \times 14 \times 25\% = \text{Rs.}3,50,158.$

9. Final compensation computed is as under: -

Sl.No.	Heads	Compensation awarded by MACT	High Court	Final compensation
1.	Loss of future earning	6,21,000/-	6,21,000/-	10,36,467/-
2.	Treatment and Medical charges	52,982/-	60,000/-	60,000/-
3.	Pain and Suffering	10,000/-	60,000/-	60,000/-

4.	Loss of Income during treatment	N/A	15,000/-	15,000/-
5.	Attendant Charges	N/A	15,000/-	15,000/-
6.	Special Diet and Nursing	N/A	10,000/-	10,000/-
7.	Transportatio n Charges	N/A	15,000/-	15,000/-
8.	Loss of Amenities	N/A	30,000/-	30,000/-
9.	Future Prospect	N/A	N/A	3,50,158/-
10.	TOTAL	6,83,982/-	8,26,000/-	15,91,625/-
11.	Interest	6% p.a.	6% p.a.	7.5% p.a.

10. The appeal is allowed in the aforesaid terms. The award of the Tribunal as modified by the High Court is further modified in terms of the Final Compensation column above.

Pending Applications, if any, shall stand disposed of.

.....J.
(SANJAY KAROL)

.....J.
(MANMOHAN)

NEW DELHI;
DECEMBER 17, 2024

ITEM NO.27

COURT NO.17

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 27556/2023

[Arising out of impugned final judgment and order dated 24-05-2023 in FAO No. 4283/2017 passed by the High Court of Punjab & Haryana at Chandigarh]

KARAMJIT SINGH

Petitioner(s)

VERSUS

AMANDEEP SINGH & ANR.

Respondent(s)

Date : 17-12-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) Mr. Varun Mishra, Adv.
Mr. Amit Kumar, Adv.
Mr. Rochak Kharbanda, Adv.
Mr. Dr.raj Kumar Jain, Adv.
Mr. Dr.o.p.kharbanda, Adv.
Mr. Sanpreet Singh Ajmani, AOR

For Respondent(s) Mr. Anas Tanwir, AOR
Mr. Ebad Ur Rahman, Adv.
Mr. Md. Asif Abbas, Adv.
Ms. Zainab Shaikh, Adv.
Ms. Nazish Fatima, Adv.
Mr. Kashif Jamal, Adv.

Mr. Shivam Singh, Adv.
Mr. Subham Janghu, Adv.
Mr. Gopal Singh, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

Appeal is allowed in terms of the signed order, placed on the file.

(DR. NAVEEN RAWAL)
DY. REGISTRAR

(MATHEW ABRAHAM)
Assistant Registrar

