



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

224 (1)**FAO-784-2002 (O&M)****Date of decision:02.07.2026**

ALOK CHAWLA

...APPELLANT

VERSUS

HARVINDER SINGH AND OTHERS

...RESPONDENTS

224 (2)**FAO-783-2002 (O&M)****Date of decision:02.07.2026**

DR. P.L. CHAWLA

...APPELLANT

VERSUS

HARVINDER SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ashok Kumar Khunger, Advocate
for appellant in both the appeals.

Mr. Vinod Chaudhri, Advocate and
Mr. Jayant Singh Chauhan, Advocate
for respondent No.3 in both the appeals.

PARMOD GOYAL, J. (ORAL)

Appellant-claimant has filed two appeals which are being taken up together as both the claim petitions preferred by appellants-claimants have arisen out of the same accident and were decided by common impugned award dated 09.02.2001, passed by learned Motor Accident Claims Tribunal, Patiala (hereinafter referred to as '**Tribunal**'). Appellant-claimant in FAO No.784 of 2002 and FAO No.783 of 2002 being injured are aggrieved by the grant of compensation of Rs.70,000/- and Rs.1,30,000/-, respectively by learned Tribunal and have sought enhancement of compensation.

2. Injured Alok Chawla and Dr. P. L. Chawla suffered injuries in motor vehicular accident which took place on 26.11.1993 on account of rash and negligent driving by respondent No.1 while driving truck bearing registration No. PJU 7127 (hereinafter referred to as “**offending vehicle/truck**”).

FAO No.784-2002

3. Leaned Tribunal had granted following compensation to injured appellant-claimant:-

Medical expenses	Rs.10,000/-
Loss of earning	Rs.10,000/-
Pain & Sufferings	Rs.20,000/-
Loss of amenities	Rs.30,000/-
Total compensation awarded	Rs.70,000/-

4. Learned counsel for injured-appellant-claimant has sought enhancement in compensation on the following grounds that:-

- Learned Tribunal has erred in not granting compensation on the basis of functional disability arising from permanent disability to the extent of 60%.
- Future prospects were not added while determining loss of earning capacity. Future prospects to the extent 40% of monthly income needs to be added as the injured-appellant-claimant was 25 years of age at the time of accident.
- Learned Tribunal has erred in not applying multiplier as per the age of the appellant-claimant. Multiplier of ‘18’ ought to have been applied by the learned Tribunal.

- Compensation for loss of future prospects, future amenities and for future medical expenses was not granted to which appellant-claimant is entitled to.
- Compensation under heads medical expenses, other expenses during treatment and pain and sufferings being insufficient in view of nature of injury, nature of treatment and period of hospitalization and needs to be enhanced

5. It is the case of the injured appellant-claimant that he had suffered fractures on both his legs and rod was inserted in his right leg and a plate in his left leg. He also suffered injuries on other parts of his body and suffered permanent disability. As per the injured appellant-claimant he remained hospitalized from 26.11.1993 to 14.01.1994 and was readmitted on 11.04.1994 for treatment by Dr. R.L Mittal. It is asserted that an amount of Rs.50,000/- was spent by the injured appellant claimant on his treatment/medicines. Dr. J. P. S Walia AW-14, the orthopedic surgeon assessed 60% permanent disability vide report Ex.P24. The disability certificate (Ex.P21) issued on the basis of report (Ex.P24) was proved by Lila Dhar who appeared as AW2.

6. Learned Tribunal had not considered Ex.P21 disability certificate and report Ex.P24 upon which Ex.P24 was issued for grant of loss of earning capacity on twin grounds (i) that appellant-claimant had failed to connect disability with accident and (ii) that certificate was taken for availing benefits available for handicap and not for seeking claim. However, on consideration, I find both the grounds taken by learned Tribunal are liable to be ignored. Disability certificate was duly proved by official (AW-2). The

report on basis of which disability certificate (Ex.A22) was issued was duly proved by issuing doctor AW-14. Therefore, disability suffered by appellant-claimant stands established. Mere purpose for which it was applied would not make it invalid. Purpose of issuance of disability certificate is to quantify disability and it remains same for all purposes. Similarly, the conclusion drawn by learned Tribunal that disability certificate is not connected with accident cannot be accepted. In the present case, accident had occurred on 26.11.1993 wherein appellant-claimant had suffered multiple fractures, he was operated upon, rod and plate were inserted. Appellant-claimant was examined by AW-14 on 16.04.1996. The disability certificate therefore was after the accident and for the injuries for which appellant-claimant had taken treatment. Report by AW-14 pertains/refers to same injuries which were suffered by appellant-claimant in present accident. No evidence is available to conclude that the said disability existed prior to accident or was suffered in another accident subsequently. Therefore, it is held that appellant-claimant had suffered permanent disability to the extent of 60%.

7. Injured appellant-claimant has claimed that he was running a poultry farm prior to the accident and was earning Rs.5,000/- per month. It is also asserted that he is M.A in English and also pursuing a computer course and was also earning by giving tuition. However, no material was adduced to prove the pleaded income and vocation of the injured appellant-claimant except for self serving oral assertions. Therefore, in absence of any cogent evidence regarding income and vocation of injured appellant-claimant, minimum wages prevalent at the time of accident i.e Rs.2,215/-per month payable to skilled worker is taken as income of injured appellant-claimant.

8. Accordingly, the income of injured appellant-claimant is taken as Rs.2,215/- per month. Keeping in view age of injured appellant-claimant to be 25 years at the time of accident addition of 40% towards future prospects and multiplier of '18' needs to be applied to determine loss of earning capacity. Keeping in view fracture of both hips and legs, implant of rod and plate resulting in permanent disability of 60%, functional disability in the present case is determined as 40%. Appellant-claimant is accordingly entitled to compensation for loss of earning capacity due to functional disability determined above. Compensation for loss of earning capacity is payable as per above noted factors.

9. In the present case, learned Tribunal had awarded compensation of Rs.20,000/- under the heads pain and sufferings and Rs.30,000/- for loss of future amenities. Keeping in view nature of injuries i.e. multiple fractures and permanent disability to the extent of 60%, compensation under the head of pain and sufferings is enhanced to Rs.40,000/-. Rs.40,000/- is awarded under the head loss of future amenities and future prospects. As far as medical expenses, expenses on attendant, transportation and special diet are concerned, learned Tribunal has granted lump-sum amount of Rs.10,000/-. Fact that the injured appellant-claimant got reimbursement of his medical expenses from the employer of his mother stands proved. The claim of the injured appellant-claimant that large number of bills were not cleared by employer of his mother is not supported by any documentary evidence. No bills which were rejected by employer of his mother have been produced by appellant-claimant and therefore, as far as medical expenses are concerned, it is clearly made out that the injured appellant-claimant has already received

reimbursement from the employer of his mother. The injured appellant-claimant has also claimed that his mother had to take earned leave to take care of him. If she had not taken the earned leaves in said case, mother of injured appellant-claimant would have been entitled to 300 days of leave encashment and therefore, he is entitled to loss so suffered on account of attendant services by his mother.

10. On consideration, I find that in absence of complete information regarding total earned leaves left for mother of injured appellant-claimant, period for which she actually took earned leave during the illness of appellant-claimant and also in absence of her monthly income, no proper quantification is possible and compensation has to be granted on assumption basis. Therefore, taking all factors injured appellant-claimant shall also be entitled to Rs.30,000/- for medical expenses, attendant charges (taking in view earned leaves taken by mother of appellant-claimant), special diet and transportation.
11. Appellant-claimant shall be entitled to following re-worked compensation:-

Income	Rs.2,215/-per month	Rs.2,215/-per month
Future prospects	40% (2215 + 886)	Rs.3,101/-
40% functional disability	40% of Rs.3,101/-	Rs.1,240/-
Multiplier	18	18
Total loss of dependency	Rs.1240x12x18	Rs.2,67,840/-
Pain and sufferings	Rs.20,000/- (by Tribunal)	Rs.40,000/-
Medical expenses,	Rs.10,000/-	Rs.30,000/-

attendant and transportation charges and special diet	(medical expenses by Tribunal)	
Loss of future amenities and Future Prospects	Rs.30,000/- (loss of future amenities by Tribunal)	Rs.40,000/-
Loss of earning capacity	Rs.10,000/- (by Tribunal)	Rs.10,000/-
Compensation awarded by Tribunal	Rs.70,000/-	
Compensation awarded in appeal		Rs.3,87,840/-
Enhanced amount of compensation	Rs.3,87,840/- (as awarded in appeal) – Rs.70,000/- (as awarded by Tribunal)	Rs.3,17,840/-

FAO No. 783 of 2002

12. Learned Tribunal had granted following compensation to injured-appellant-claimant:-

Medical Expenses	Rs.60,000/-
Loss of earning capacity	Rs.27,000/-
Mental shock, Pain & Sufferings	Rs.20,000/-
Loss of amenities	Rs.22,000/-
Total compensation awarded	Rs.1,30,000/-

13. In the present case the injured-appellant-claimant had claimed that he had suffered injuries on his eyes, right arm, right leg and six ribs

were fractured on account of which he suffered permanent disability. He remained admitted in Rajindra Hospital, Patiala on 26.11.1993 from where he was referred to PGI Chandigarh on 28.11.1993 where he remained admitted for two months up till 28.01.1994. As a result of the injuries, the injured appellant-claimant was in Coma for two months and was in the intensive care unit at PGI. The injured appellant-claimant appeared himself as AW6 and asserted that he suffered grievous injuries on his right hand, chest, right leg and in the eyes. His eyesight was affected due to the accident.

14. Lila Dhar who appeared as AW2 proved the disability certificate regarding claimant as Ex.A22 which was issued on the basis of report Ex.A25 issued by AW-15 Dr. B. S. Brar. Dr. B.S. Brar, AW-15 proved the report on basis of which disability certificate was issued as Ex.A25 whereby disability suffered by injured appellant claimant was assessed to the extent of 40%. Dr Harjit Sidhu, assistant professor, Medical College, Patiala who appeared as AW-16, examined the eye of the injured appellant-claimant and proved her report Ex.AW-16/1. As per the report the injured appellant-claimant had a vision loss of 50%. Pawandeep Singh, clerk, Punjabi University Patiala appeared as AW-8 proved the LPC of the injured appellant-claimant vide Ex P1 showing that the injured appellant- claimant was drawing a salary of Rs.9,366/- per month. He also proved that the injured appellant claimant remained on half pay medical leave from 23.04.1994 to 16.10.1994. His salary being Rs.9,000/- p.m. he suffered a loss of Rs.4,500/- p.m. AW-9 Amarjit Singh, Senior Assistant, Central Registration office, PGI, proved that the injured appellant-claimant remained

admitted as indoor patient from 28.11.1993 and was discharged on 28.01.1994. Appellant-claimant on the basis of above evidence asserted that he was to retire in the year 1997 but on account of accident he sought premature retirement. He further asserted that he was drawing salary of Rs.9,000/- p.m.

15. Learned Tribunal has not considered Ex.A22 disability certificate and report Ex.A25 upon which Ex.P21 was issued for grant of loss of earning capacity on twin grounds (i) that appellant-claimant had failed to connect disability with accident and (ii) that certificate was taken for availing benefits available for handicap and not for seeking claim. However, on consideration, I find both the grounds taken by learned Tribunal are liable to be ignored. Disability certificate was duly proved by official (AW-2). The report on basis of which disability certificate (Ex.A22) was issued was duly proved by AW-15 Dr. B.S. Brar. Loss of vision was proved by AW-16. Therefore, disability suffered by appellant-claimant stands established. Mere purpose for which it was applied would not make it invalid. Purpose of issuance of disability certificate is to quantify disability and it remains same for all purposes. Similarly, the conclusion drawn by learned Tribunal that disability certificate is not connected with accident cannot be accepted. In the present case, accident had occurred on 26.11.1993 wherein appellant-claimant had suffered multiple fractures, including six fractured ribs, whereas appellant-claimant was examined by AW-15 on 17.12.1994. The disability certificate therefore was after the accident and for the injuries for which appellant-claimant had taken treatment. Report of AW-15 pertains/refers to same injuries which were suffered by appellant-

claimant in present accident. No evidence is available to conclude that the said disability existed prior to accident or was suffered in another accident subsequently. Therefore, it is held that appellant-claimant had suffered permanent disability to the extent of 40%.

16. On further consideration, I also find that learned Tribunal had erred in not taking income pleaded and proved by injured appellant-claimant to determine the loss of earning capacity. Evidence of AW-8 and last pay certificate duly placed as Ex.P1 proves that appellant-claimant was drawing salary of Rs.9,366/- p.m. Accordingly, monthly income of appellant-claimant is taken as Rs.9,000/- p. m. as was accepted by learned Tribunal while quantifying loss of income during treatment. Keeping in view nature of injuries and permanent disability the functional disability is determined as 25%. Admittedly, the age of injured appellant/claimant was between 56-60 years at the time of accident multiplier of '9' for determining loss of earning capacity has to be taken. For determining loss of earning capacity, appellant-claimant is also entitled to addition of future prospects to the extent of 10%. Same is accordingly awarded. Compensation for loss of earning capacity due to permanent disability therefore, needs to be awarded as noted above by taking functional disability to the extent of 25% on monthly income of Rs.9,000/- after awarding 10% towards future prospects and by applying multiplier of '9' keeping in view age of appellant-claimant at the time of accident.

17. The injured appellant-claimant had suffered multiple fractures. He remained in the hospital and was in coma for substantial time, therefore, the compensation under head mental shock, pain and sufferings to the extent

of Rs.20,000/- is insufficient and is enhanced to Rs.50,000/-. Appellant-claimant had suffered permanent injury to the extent of 40% and functional disability, due to which he suffered loss of amenities and loss of future prospects, accordingly, compensation under this head is quantified as Rs.50,000/-.

18. In the present case, appellant-claimant got medical bills reimbursed from his employer and therefore, would only be entitled to compensation under the heads special diet, transportation and attendant charges. Since, learned Tribunal has already granted Rs.60,000/-, the same is just compensation and no further enhancement under this head is required. Injured appellant-claimant remained hospitalised for more than two months and had suffered fracture of hips and therefore, must have remained out of work for at least six months therefore, injured appellant-claimant is entitled to Rs.27,000/- (Rs.4,500/-X 6) on account of loss of income during treatment as he had taken half day medical leave.

19. Reworked compensation payable to injured appellant-claimant is as follows:

Income	Rs.9,000/- per month	Rs.9,000/- per month
25% functional disability	25% of Rs.9,000/-	Rs.2,250/-
Future prospects	10% (2,250 + 225)	Rs.2,475/-
Multiplier	9	9
Loss of earning	Rs.2,475 x 12	Rs.2,67,300/-

capacity	x9	
Medical expenses, attendant charges, special diet and transportation, etc.	Rs.60,000/-	Rs.60,000/-
Pain and Sufferings	Rs.20,000/- (by Tribunal)	Rs.50,000/-
Loss of amenities & future prospects	Rs.22,000/-	Rs.50,000/-
Loss of income during treatment	Rs.4,500/- x 6	Rs.27,000/-
Compensation awarded by Tribunal	Rs.1,30,000/-	
Compensation awarded in appeal		Rs.4,54,300/-
Enhancement of compensation	Rs.4,54,300 /- (awarded in appeal)- Rs.1,30,000/- (awarded by Tribunal)	Rs.3,24,300/-

20.

Appellant-claimant is, therefore, held entitled to enhanced compensation along with 7.5% interest from date of filing of petition till realization. Apportionment and liability to pay compensation shall be as per award.
21.

Present appeals are disposed of in above terms.

22. Pending application(s), if any, stand disposed of. Photocopy of this order be placed on the file of connected case.

(PARMOD GOYAL)
JUDGE

02.07.2026
Sunil Chander/Ravinder

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No