



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

(1) FAO-2929-2004

Judgment reserved on :23.07.2026

Judgment pronounced on 01.08.2026

INDERJIT JUNEJA AND ORS

... APPELLANTAS

VERSUS

RAN SINGH AND ORS

...RESPONDENTS

(2) FAO-2930-2004

INDERJIT

... APPELLANT

VERSUS

RAN SINGH AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None for the appellants.

Ms. Ayushi Jain, Advocate for
Mr. Pardeep Goyal, Advocate
for the respondent-Insurance Company.

PARMOD GOYAL, J.

1. Present appeals have been preferred by the appellants-claimants, being aggrieved by the quantum of compensation awarded by the learned Motor Accident Claims Tribunal, Karnal (hereinafter referred to as the 'Tribunal'), vide common award dated 08.03.2004. The two claim petitions had arisen out of the accident dated 22.06.2001, one filed by injured Saroj and the other by injured Inderjit, her husband.

2. It is worth noticing that the injured Saroj died during the pendency

of the claim petition, and the claim petition was thereafter pursued by her LRs, namely, her husband, daughters, and son.

3. The gist of the claim petitions decided by the learned Tribunal vide common award dated 08.03.2004 is as under:

Sr.No.	FAO No.	Case title before the MACT	MACT Case No. / Appeal No.	Claim pertains to	Compensation awarded by the Tribunal
1.	FAO No.2929 of 2004	Smt. Saroj through LRs Vs. Ran Singh and others	MACT Case No. 190 of 2003;	Compensation on account of injuries suffered by Saroj, who died due to the said injuries during the pendency of the claim petition	Rs. 4,99,600/-
2.	FAO No.2930 of 2004	Inderjit Vs. Ran Singh and others	MACT Case No. 120 of 2003;	Compensation on account of injuries suffered by Inderjit	Rs. 54,000/-

4. Since in the present appeal the only issue raised by appellants-claimants is with regard to the quantum of compensation and no appeal or cross objection has been preferred by any of the respondents to challenge findings of learned Tribunal as regards to rash and negligent driving of offending vehicle driven by respondent-driver, therefore, the detailed facts regarding the manner of accident are not being noticed herein for the sake of brevity.

FAO No. 2929 of 2004

5. Learned Tribunal had awarded the following compensation:

Income	Rs. 42,000/- per year
Deduction	1/3 rd
Multiplier	15

Loss of dependency	Rs. 4,20,000/- (Rs. 28,000 × 15)
Medical expenses	Rs. 52,000/-
Special diet	Rs. 5,000/-
Transportation charges	Rs. 3,000/-
Attendant expenses	Rs. 9,600/-
Total	Rs. 4,99,600/-

FAO No. 2929 of 2004

6. It is the case of the appellants-claimants that deceased Saroj had suffered multiple grievous injuries in the accident and had died on account of the said injuries, despite long treatment and huge expenses on medical treatment. It was claimed that an amount of Rs. 3,00,000/- was spent on her treatment and reliance upon medical bills/receipts Ex. P-11 was made. It was further claimed that, on account of the death of injured claimant Saroj, a domestic help at a monthly salary of Rs. 3,000/- was employed and, during her treatment, two persons at a monthly salary of Rs. 3,000/- each were employed to look after her.

7. Narender Singh, PW-6, Clerk from Government Medical College and Hospital, Sector 32, Chandigarh had deposed that deceased Saroj had remained admitted in Sector 32 Hospital from 25.06.2001 to 02.08.2001 and thereafter from 20.06.2002 till 21.06.2002. She died on 21.06.2002 during treatment in the hospital. He also proved the treatment expenses incurred in respect of her treatment vide Ex. P-11, P-13, P-15, P-17, P-19, P-21, P-24, P-27, P-28, P-30, P-32, P-34, P-36 to P-38, P-41, P-42, P-44, P-47, P-48, P-60, P-74 to P-78 and P-96 to P-128, amounting to Rs. 49,173.61,. PW-8 Dr. C.L. Parnami asserted that deceased Saroj was admitted in his nursing home on 20.04.2002 and was discharged on 25.04.2002 and was again admitted from 15.05.2002 to 28.05.2002. He proved the expenses as well as the treatment record vide Ex. P-62 to P-66. The total expenses incurred in his hospital were stated to be Rs.

2,100/-.

8. PW-7 Dr. Amulya Aggarwal, Senior Resident from Department of Orthopedic, Government Medical College and Hospital, Sector 32, Chandigarh had duly stated that on 25.06.2001, deceased Saroj was admitted in Orthopedic Emergency as a case of Motor Vehicle Accident and was diagnosed having cervical spine injury with fracture C-5 with quadriplegia and complete loss of bladder and bowel control. She was discharged on 02.08.2001.

9. Learned Tribunal had accordingly awarded Rs. 52,000/- towards medical expenses. Since, learned Tribunal had already taken all the medical bills placed on record into consideration while awarding medical reimbursement, I do not find any error with the approach of the learned Tribunal. The medical expenses need to be proved by the claimant, and no assumptions can be made in case bills are being produced by the claimants. The amount so awarded for medical expenses is accordingly upheld.

10. Learned Tribunal had awarded an amount of Rs. 5,000/- for special diet, Rs. 3,000/- for transportation and Rs. 9,000/- for expenses on attendant. From the evidence of PW-6 and PW-8, it is clearly made out that the claimant had remained admitted in the months of June, 2001, April, 2002, May, 2002 and June, 2002 on four different occasions in the hospitals. She had undergone treatment and had died during the treatment at the hospital. The accident had taken place on 22.06.2001 and she had died on 21.06.2002. These facts clearly show that she had undergone long treatment prior to her death. Accordingly, the amount awarded under the above-noted heads is insufficient and requires enhancement. Noting totality of the facts, i.e. nature of injuries, nature of

for which the deceased claimant had undergone treatment, it would be appropriate to grant compensation of Rs. 35,000/- for transportation, special diet and attendant expenses. The claim of the claimants that they had kept two servants on a monthly salary of Rs. 3,000/- each cannot be accepted as there is no material available to accept the oral self-serving statement of PW-4. No receipt issued by the alleged servants was produced, nor were the servants examined to prove the facts and, therefore, the claim made by PW-4 was rightly ignored.

11. In the present case, the claimant had undergone immense pain and sufferings for one year and had remained admitted on various occasions in different hospitals, which goes to prove that the deceased must have undergone immense pain and sufferings on account of the injuries suffered by her in the accident. The claimants, therefore, shall be entitled to an amount of Rs. 60,000/- towards pain and sufferings, which in the present case was for about one year. It is also clear from the above-noted facts and evidence that the deceased had remained out of job for one year as she was under treatment and could not earn her livelihood from the date of the accident till the date of her death. Accordingly, the deceased shall be entitled to loss of income during treatment for 12 months. Since the income of the deceased was taken as Rs. 42,000/- per annum, therefore, the deceased shall be entitled to Rs. 42,000/- as compensation for loss of income during treatment.

12. It is the case of the claimants that after the death on account of injuries suffered by deceased Saroj, she had suffered quadriplegia and had died during her treatment on 21.06.2002. The factum regarding her admission on

evidence of PW-6 further finds corroboration from the evidence of PW-7 Dr. Amulya Aggarwal, who had asserted that the deceased had died on account of quadriplegia due to injuries suffered by her. The evidence of PW-6 and PW-8 is further corroborated by Ex. P-10, death report, wherein death was stated to have resulted from injuries, which had developed into quadriplegia. Therefore, conclusion of learned Tribunal that deceased Saroj had died on account of injuries suffered in accident is upheld.

13. In order to prove loss of dependency on account of the death of deceased Saroj, the claimants had claimed that the deceased was the sole proprietor of Juneja Marketing and used to earn Rs. 9,000/- and was an income tax payee. Income tax returns for the financial years 1995-96, 1996-97, 1997-98, 1999-2000 and 2000-01, wherein the income of the deceased was shown to be Rs. 42,000/-, Rs. 42,000/-, Rs. 78,000/- and Rs. 86,579/-, were placed on record as Ex. P-70 to P-72 respectively. It was claimed that the firm was the sole distributor of Khadi Herbal Mehendi for the entire State of Haryana and after the accident, the firm was closed. As per the death report Ex. P-10, the age of the deceased was mentioned as 37 years, which goes to show that at the time of the accident, she was 36 years old.

14. It is worth noticing that as per the claim of the claimants themselves, the deceased had suffered 100% disability on account of the accident and had remained under treatment in the said condition for about one year. The income tax returns dated 1995-96 and 1996-97 were duly filed under the signatures of deceased Saroj. However, the income tax returns for the years 1999-2000 and 2000-01, showing almost double the income as shown in 1996-

whereas the deceased had suffered 100% disability in the accident dated 22.06.2001. Learned Tribunal, therefore, had rightly ignored the income tax returns for the year 1999-2000 and 2000-01, being an effort on the part of the claimants to raise an exaggerated claim. The learned Tribunal had, therefore, rightly taken the income of the deceased as Rs. 42,000/- per annum, which comes to Rs.3,500/- per month.

15. In the present case, future prospects to the extent of 40% and multiplier of 15 shall be applicable as the deceased was 36 years old, as per the mandate of Hon’ble Supreme Court in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, 2009 (6) SCC 221 and **National Insurance Company Ltd. Vs. Pranay Sethi and others**, 2017 (16) SCC 680. Since the deceased was survived by four dependents i.e. husband, two daughters and son, therefore, deduction towards personal expenses to the extent of 1/4th for determining loss of dependency shall be appropriate. The claimants shall be entitled to Rs. 40,000/- each towards loss of spousal consortium and loss of parental consortium. The claimants shall also be entitled to Rs. 15,000/- towards loss of estate, Rs.15,000/- towards funeral expenses. It is, however, made clear that in case Hon’ble Supreme Court answer the reference regarding quantum of compensation under conventional head made in **Hasina Yasmin and Ors. Vs. National Insurance Co. Ltd.**, 2025 SCC Online SC 2919 in favour of appellants-claimants, appellants-claimants shall be free to seek said amount by moving appropriate application in this regard.

16. Reworked compensation payable to claimants is as under:-

Income	Rs.3,500/- per month	Rs.3,500/- per month
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Future Prospects	40% (3,500 + 1,400)	Rs.4,900/-
Deduction	1/4th (4,900 – 1,225)	Rs.3,675/-
Multiplier	15	15
Total loss of dependency	Rs.3,675 x 12 x 15	Rs.6,61,500/-
Loss of Estate		Rs.15,000/-
Funeral Expenses		Rs.15,000/-
Loss of spousal consortium to claimant No.1.		Rs.40,000/-
Loss of parental consortium to claimant Nos. 2 to 4.		Rs 1,20,000/-
Pain and sufferings		Rs.60,000/-
Compensation of medical expenses		Rs.52,000/-
Compensation for transportation, special diet and attendant charges		Rs.35,000/-
Loss of income during treatment		Rs.42,000/-
Total Compensation awarded in appeal		Rs.10,00,500/-
Total Compensation awarded by the Tribunal	Rs.4,99,600/-	
Enhanced amount of compensation	Rs.10,00,500/- (awarded in appeal) – Rs.4,99,600/- (awarded by the Tribunal)	Rs.5,00,900/-

17. Appellants-claimants shall be entitled to enhanced/awarded compensation in appeal along with 7.5% interest from the date of filing of claim petition till realization (except under the conventional heads i.e. loss of consortium, funeral expenses, loss of estate). Under conventional heads interest shall be payable from August 2017 onwards till realization. Apportionment and

liability to pay compensation shall be as per award.

FAO No. 2930 of 2004

18. Appellant-claimant Inderjit was held entitled to total sum of Rs.54,000/-

Medical expenses	Rs. 12,000/-
Pain and suffering, mental shock and agony	Rs. 5,000/-
Disability	Rs. 18,000/-
Loss of income	Rs. 10,000
Special diet	Rs. 2,000/-
Transportation	Rs. 2,000
Attendant	Rs. 5,000
Total	Rs. 54,000/-

19. Claimant-appellant had claimed that after receiving injuries in the accident, he was admitted in Medical College and Hospital, Sector 32, Chandigarh on 25.06.2001 and was diagnosed with fracture shaft of humerus of the left side, for which he was operated upon and D.C.P. plating was done. He remained admitted in the hospital till 03.07.2001. He claimed that he had spent Rs. 1,50,000/- on his treatment. In order to prove the nature of injuries, nature of treatment, period of hospitalization and expenses incurred on his treatment, claimant appeared as PW-4 and had examined Dr. K.L. Sachdeva as PW-2, who duly stated that on 23.08.2001, injured remained admitted in his nursing home and was operated upon and radial nerve exploration was done along with removal of a long screw lying in the vicinity of the nerve. The claimant was discharged from the hospital on 25.08.2001. He stated that he had charged Rs. 4,500/- for the said treatment. The claimant had also duly placed on record Ex. P-52, 54, 55, 57, 59 and 79 to 95, medical receipts showing that an amount of Rs.11,039.50/- was spent on medicines.

20. Keeping in view the fact that the claimant had suffered multiple grievous injuries including fracture and was subjected to surgery and plating, and had remained admitted twice on different occasions in Sector 32 Hospital as well as the nursing home of PW-2, and the bills Ex. P-52, P-54, P-55, P-57, P-59 and P-79 to P-95, along with the statement of PW-2 that he had charged Rs. 4,500/- towards hospital expenditure, the amount so granted under the above-noted heads is totally insufficient. The claimant has succeeded in proving that he had spent at least around Rs. 16,000/- on his treatment. Though no evidence with regard to transportation, special diet and attendant charges, was led; however, the Court is bound to make an assumption on the basis of the nature of injuries, nature of treatment, period of hospitalization and expenses incurred. Therefore, keeping in view the nature of injuries, nature of treatment, period of treatment and period of hospitalization, an amount of Rs. 35,000/- would be just compensation towards medical expenses, transportation, attendant expenses and special diet.

21. In view of the nature of injuries and treatment, it is clearly made out that the claimant must have undergone immense pain and sufferings on account of grievous injuries including fracture and surgery and, therefore, the amount of compensation of Rs. 5,000/- cannot be held to be just. Accordingly, the claimant shall be entitled to compensation of Rs. 40,000/- towards pain and sufferings. Keeping in view the nature of injuries and period of hospitalization, it is clearly made out that the claimant must have remained out of work for at least 4 months as he had remained admitted in the month of June immediately after the accident and thereafter in the month of August, 2001 i.e. from

during treatment equivalent to his four months' income.

22. Reliance has been placed by the claimant on the evidence of PW-1 Dr. Rakesh Girdhar, Medical Officer, General Hospital, Karnal, to assert and prove that the claimant had suffered 18% disability. PW-1 Dr. Rakesh Girdhar had duly stated that being a member of the Medical Board along with the Civil Surgeon, Karnal, he had examined injured Inderjit and had found an old fracture of the left humerus bone with incomplete recovery of radial nerve palsy with mild stiffness of the left shoulder and wrist, resulting into 18% disability. He further stated that the patient may or may not recover with the passage of time. The Tribunal had granted Rs. 18,000/- for loss on account of permanent disability and Rs.10,000/- for loss of earnings/income.

23. The claimant had also claimed that he was earning Rs. 10,000/- per month by running a business and on account of injuries suffered by him, he had employed two servants at the rate of Rs. 2,000/- each per month. He claimed that he was an income tax payee. However, except for self-serving assertions, no evidence was led by the claimant to prove that he was running a business earning Rs. 10,000/- per month or that he was an income tax payee. The learned Tribunal has, therefore, rightly ignored the evidence of PW-4 in this regard.

24. In the present case, the claimant, at the most, can be taken as a skilled worker and accordingly, his income is taken as Rs. 2,500/- per month as per minimum wages prevalent at the time of accident. Since the claimant was running a business and was not doing labour work, the disability of **18%**, which may or may not recover with the passage of time, cannot be taken as functional disability. The functional disability is accordingly taken as **10% qua** the overall capacity to earn income.

25. Claimant Inderjit was in the age group of 41 to 45 years and, therefore, for calculating loss of earning capacity, multiplier of 14 and future prospects to the extent of **25%** would be required to be added as per the mandate of Hon’ble Supreme Court in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, 2009 (6) SCC 121 and **National Insurance Company Ltd. Vs. Pranay Sethi and others**, 2017 (16) SCC 680. The claimant shall also be entitled to compensation towards loss of **future prospects** of life as well as **future amenities** and, accordingly, is awarded compensation of **Rs. 40,000/-** under this head. No future medical expenses have been shown; therefore, none is payable.

26. Accordingly, the claimant shall be entitled to the following compensation:-

Income	Rs.2,500/- per month	Rs.2,500/- per month
Future Prospects	25% (2,500 + 625)	Rs.3,125/-
Functional Disability	10% (Rs.3,125 x 10%)	Rs.312
Multiplier	14	14
Total Loss of Earning Capacity	Rs.312 x 12 x 14	Rs.52,416/-
Compensation for loss of future amenities and future prospects of life	Rs.18,000/- (by Ld. Tribunal)	Rs.40,000/-
Compensation for pain and Sufferings	Rs.5,000/- (by Ld. Tribunal)	Rs.40,000/-
Medical Expenses, transportation, special diet and attendant charges	Rs.21,000/- (by ld. Tribunal)	Rs.35,000/-
Loss of Income during Treatment	(Rs.2,500 x 4 months)	Rs.10,000/-

Total Compensation awarded in appeal		Rs.1,74,916/- + 2500 = 1,77,416/-
Total Compensation awarded by the Tribunal		Rs.54,000/-
Enhanced amount of compensation	Rs.1,77,416/- (awarded in appeal) – Rs.54,000/- (awarded by the Tribunal)	Rs.1,23,416/-

27. Appellant-claimant shall be entitled to enhanced/awarded compensation in appeal along with 7.5% interest from the date of filing of claim petition till realization. Apportionment and liability to pay compensation shall be as per award.
28. Appeals are allowed accordingly.
29. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.
30. A photocopy of this order be placed on the file of the connected case.

01.08.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No