



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

FAO-4890-2004 (O&M)
Reserved on : 02.07.2026
Pronounced on: 24.07.2026

GURWINDER SINGH AND ANOTHER ...APPELLANTS

VERSUS

JAGTAR SINGH AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ajaivir Singh, Advocate and
Mr. Shazia K. Singh, Advocate and
Mr. Veer Imaan Singh Gill, Advocate
for appellants.

Ms. Ayushi Jain, Advocate for
Mr. Pardeep Goyal, Advocate
for respondents No.4 and 6/Insurance Company.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the injured appellants/claimants being aggrieved by the impugned award dated 07.06.2004, passed by learned Motor Accident Claims Tribunal, Gurdaspur (hereinafter referred to as 'Tribunal') vide which injured appellant-claimant No.1 was awarded compensation of Rs.35,175/- and injured appellant-claimant No.2 was awarded compensation of Rs.1,01,200/- on account of injuries suffered by them in motor vehicular accident dated 29.03.2001, caused by rash and negligent driving of respondent-driver while driving Tata Sumo bearing registration No.HR-31-1484.

2. Since in present appeal the only issue raised by appellants-

claimants is as regards to quantum of compensation and no appeal or
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cross-objection has been preferred by any of the respondents, therefore, the detailed facts as regards to manner of accident are not being noticed herein for the sake of brevity.

Injured appellant-claimant No.1-Gurvinder Singh

3. Learned Tribunal had awarded injured appellant-claimant No.1 the following compensation.

Loss of income	Rs.4,000/-
Medical treatment	Rs.31,175/-
Total compensation awarded	Rs.35,175/-

4. It is the case of the injured appellant-claimant No.1 that he had suffered multiple injuries on account of the accident and was admitted in Civil Hospital, Sonapat on 29.03.2001 thereafter in Muni Lal Chopra Memorial hospital, Amritsar from 30.03.2001 to 02.04.2001. He remained admitted in the hospital for 5 days. The injured appellant-claimant No.1 did not suffer any permanent disability on account of the accident. Medical prescription were not placed on record. No treating doctor was examined. It was claimed that expenses amounting to Rs.31,175/- were incurred on his treatment as shown in bills Ex.P2, Ex.P3, Ex.P3/1, Ex.P6/1, Ex.P6/2, Ex.P9 to Ex.P12, Ex.P18 to Ex.P20, Ex.P27, Ex.P29, Ex.P32 and Ex.P37.

5. All the bills noted above produced by the appellant-claimant before the learned Tribunal were duly taken into consideration and accepted while granting compensation of Rs. 31,175/- for medical expenses.

6. In absence of proof of nature and extent of injuries allegedly suffered by injured appellant-claimant No.1, the injuries suffered by injured appellant-claimant are treated as simple in nature. Accordingly, consolidated amount of Rs.50,000/- is awarded to appellant-claimant as compensation under all heads i.e. medical expenses, transportation, attendant charges, special diet etc. Injured appellant-claimant No.1 is also entitled to enhanced compensation of Rs.10,000/- towards pain and sufferings.
7. Keeping in view the fact that injured appellant-claimant No.1 must have been out of work for a period of one month on account of injuries suffered by him in the accident, therefore, he shall be entitled to Rs.2,260/- (Rs.2,260 x 1) towards loss of income during treatment.
8. Accordingly, reworked compensation payable to injured appellant-claimant is as follows:

Medical expenses, special diet, attendant charges, transportation, etc.	Rs.31,175/- (by Tribunal for medical expenses)	Rs.50,000/-
Pain and sufferings	Rs.4,000/- (by Tribunal)	Rs.10,000/-
Loss of income during treatment	Rs.2,260 x 1	Rs.2,260/-
Total compensation awarded by Tribunal	Rs.35,175/-	
Total compensation awarded in appeal		Rs.62,260/-
Enhanced compensation	Rs.62,230/- (awarded in appeal) - Rs.35,175/- (awarded by Tribunal)	Rs.27,085/-

Injured appellant-claimant No.2- Hardeep Singh

9. It is the case of injured appellant-claimant No.2 that due to the injuries suffered in accident he became disabled. As per the disability certificate Ex.PX he suffered disability to the extent of 5%. He got admitted in Civil hospital Sonipat on 29.03.2001 and thereafter he was admitted in Muni Lal Chopra memorial hospital, Amritsar from 30.03.2001 to 02.04.2001. Claimant also claimed to have spent Rs.76,270/- on his treatment vide Ex.P1, P4, P5/1, P5/2, P5/3, P7, P8, P13 to P17, P23 to P26, P30, P31 and P38. Reliance upon discharge card Ex.P2 was also placed. Reliance upon disability certificate Ex.PX showing 5% disability was also placed.

10. Learned Tribunal had awarded injured appellant-claimant No.2 the following compensation :-

On account of disability	Rs.20,000/-
Pain and sufferings	Rs.5,000/-
Medical treatment	Rs.76,270/-
Total compensation awarded	Rs.1,01,270/-

11. From discharge card, period of hospitalization and expenses incurred vide various bills, appellants/claimants have succeeded in proving that he had suffered grievous injuries resulting in 5% disability and had incurred amount of Rs.76,270/- on his treatment. In the present case, learned Tribunal has not awarded any compensation towards transportation, attendant charges and special diet. Keeping in view the fact that appellants-claimants had suffered grievous injuries and had remained hospitalized, therefore, compensation of Rs.90,000/- is granted

towards medical treatment, transportation, attendant charges and special diet etc. Appellants-claimants shall also be entitled to enhanced compensation of Rs.40,000/- towards pain and sufferings instead of Rs.5,000/- as was awarded by learned Tribunal.

12. In the present case, no evidence has been led by injured appellant/claimant to prove his vocation and income, in absence of any cogent and reliable evidence regarding vocation and income, the monthly income of injured appellant/claimant has to be taken equivalent to minimum wages prevalent at the time of accident i.e. Rs.2,260/- per month and accordingly, same is taken as Rs.2,260/- per month. Injured appellant-claimant must have remained out of work for at least for six months on account of accident, therefore, he shall be entitled to Rs.13,560/-(Rs.2,260/- x 6) towards loss of income.

13. Keeping in view nature of disability, functional disability is determined as 5% for determining loss of earning capacity. Since, injured appellant-claimant was aged 54 years at the time of accident, therefore, addition of 10% towards future prospects and multiplier of '11' would be applicable. However, since amount granted by learned Tribunal is higher than arrived at by above method, therefore, compensation of Rs.20,000/- is upheld as compensation for loss of earnings.

14. Since, the injured appellant/claimant had suffered permanent disability, he would suffer loss of enjoyment of future amenities of life as well as future prospects. Accordingly, injured appellant-claimant is entitled to compensation of Rs.40,000/- for loss of

future prospects and future amenities of life.

15. Accordingly, appellant-claimant is entitled to the following compensation :-

Total loss of earning capacity		Rs.20,000/-
Compensation for pain and sufferings	Rs.5,000/- (by Tribunal)	Rs.40,000/-
Compensation for loss of income during treatment	Rs.2,260/- x 6	Rs.13,560/-
Medical expenses, special diet, attendant charges and transportation, etc.	Rs.76,270/- (by Tribunal for medical expenses)	Rs.90,000/-
Compensation for future prospects and future amenities of life		Rs.40,000/-
Compensation awarded by Tribunal	Rs.1,01,270/-	
Compensation awarded in appeal		Rs.2,03,560/-
Enhancement of compensation	Rs.2,03,560/- (awarded in appeal) - Rs.1,01,270/- (awarded by Tribunal)	Rs.1,02,290/-

16. Appellants-claimants are, therefore, held entitled to enhanced compensation along with 7.5% interest on enhanced amount from date of filing of petition till realization. Apportionment and liability to pay compensation shall be as per award.

17. Appeal is allowed in above terms.

18. Pending application(s), if any, is/are disposed of accordingly.

(PARMOD GOYAL)
JUDGE

24.07.2026
Chiranjeev