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

FAO-1998-1995

Date of decision : 05.08.2025

RAMANDEEP SINGH

....Appellant

Versus

BALWINDER SINGH AND ORS

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Praagbir Singh Dhindsa, Advocate and
Mr. Nikhil Singh, Advocate for the appellant.

Mr. Rohit Kataria, Advocate for
Ms. Anamika Mehta, Advocate for respondent No.3.

PANKAJ JAIN, J. (ORAL)

The claimant is in appeal aggrieved of the meagre compensation of Rs.34,072/- awarded to him, despite having been rendered physically disabled to the extent of 50% in a motor-vehicular accident, dated 31.08.1993.

2. There is no dispute regarding the Issues apart from assessment of compensation.

3. Tribunal while assessing the compensation payable to the claimant, observed as under:

“20. However, since claimant remained admitted in the hospital on account of accident, he is entitled to get compensation for the pains and sufferings. In my view, it would be reasonable to allow



him Rs. 2500/- on that account. The total compensation amount to which the claimant entitled, comes to Rs.34072/-.

4. AW-1 Dr. J.L. Bassi, Associate Professor Orthopaedics DMC

Ludhiana, who operated upon the claimant/appellant, testified as under:

“Ramandeep Singh Sandhu was admitted in DMC Ludhiana on 31.8.93 and was discharged from the hospital on 23.9.93. During his admission in the hospital, he was operated upon. He was having fracture of hip, fracture of acetabulum right with posterior dislocation and lateral condyle and also of right tibia. He was advised rest of four months at the time of discharge. Ex.A.1 is the correct photostat copy of the medical certificate issued by the Hospital and bears my signatures. Ex. A.2 is the photocopy of the discharge card. Ex.A.3 is the photostat copy of the hospital bill for Rs.18,569/- (objected to). The patient is still under treatment and lastly I examined him on 1.3.94. He has been advised to do the exercises and to start walking. At present the permanent disability cannot be calculated but chances are very much there that he will have permanent disability. He may also need another operation. In case he does not improve with the exercise and walking he will need another operation. Such an operation will be decided after a period of a year or so. Ex.A.4 is the injury report prepared by Doc Sorab Saroj and I identify his signatures on the same (objected to). During the admittance in the hospital the patient required atleast 2 attendants and still he needs the support to move about. The patient will also need physiotherapy and special diet for another 3 to 4 months.

XXmn. By counsel for respondents 1 and 2.

Nil. (opportunity given).

XXmn on behalf of the insurer.

Physiotherapy helps in the movements of the limb.
The payments were not made in my presence. It is incorrect to



suggest that I have prepared my report at the instance of the injured and I have mentioned wrongly the injuries sustained.

21.3.94. RO & AC

MACT, Ludhiana”

5. PW-4 Dr. Gagandeep Singh, Orthopaedic Surgeon, Civil Hospital, Ludhiana, who examined the claimant and issued Disability Certificate, testified as under:

“On 31.5.1994, I examined Shri Ramandeep Singh s/o Harchand Singh 37 years old male resident of Q.No.1 Police Station Division No.5 Ludhiana. After examining him and getting the relevant x ray diagnosed him to be having mal united central fracture dislocation of right hip joint with reduced hip movements. He also had old united fracture of the right tibial condyle with multiple fractures of right metatarsal and phalanges. He has shortening of right lower limb by 1” and his hip will require total replacement lateron. The disability was assessed at 50%. I identify Ramandeep Singh whom I examined is present in court. The certificate Ex.P7 was issued by me and it bears my signature and is correct. It is countersigned by CMO Ludhiana who is Dr. R.N. Singhla and I identify his signature as I have been seeing him writing and signing.

XXXmn. By counsel for respondent No.3.

I have not taken down in writing the history of Ramandeep Singh injured. It is very difficult to say what was the duration of old united fracture by seeing the x ray alone. I cannot say that the old united fracture was two years old or one year old or more than that just by inspecting the x ray. I have not given a note on my dissability certificate as the duration of the old united fracture. I have not written in my report as to what is the percentage of the movement of hip joint. Volunteer, however, on his application I have given a note that hip movement was reduced by 75 % and was painful. It is correct that the hip joint can be



replaced by medical surgery but it cannot become normal as the patient not sit with crossed leg and cannot squat. I have not written all the things mentioned above in my dissability certificate. I have not written in details regarding the fact that he cannot sit with crossed leg and cannot squat in my medical report. Volunteer after the operation. But however, I have written that the patient will require total hip replacement and it is convention that such patients cannot sit with crossed leg and cannot squat. My statement is on the basis of my experience as Orthopaedic surgeon. I have not given in details the different percentages of the total injuries. But however, on the backside of the application of the patient I have mentioned details of the percentage. The dissability is due to old fracture the exact during of which I cannot tell. It is incorrect to suggest that I have deposed falsely to help a government official.

XXXmn. by counsel for respondents No.1 and 20

Nil (Opportunity given).

RO&AC.

Dt.26.9.1994.

MACT Ludhiana.”

6. In view of the statements made by the Medical Experts, the injury suffered by the claimant, stands fully proved. It has also been proved that his right leg got shortened by 1 inch. His hip joint was opined to have been damaged. As per doctor, it requires total replacement.

7. Counsel for the claimant submits that apart from meagre amount of Rs.2,500/- nothing has been paid for loss of amenities and the permanent disability suffered by the claimant.

8. Counsel for the respondent/Insurance Company on the other hand submits that it has come on record that the claimant was working in Punjab Police at the time of accident. He has not suffered any future



promotional prospects on account of the present accident and thus there is no loss of income.

9. This Court in **FAO-3611-2015 (O&M)** titled as ‘**The Oriental Insurance Co., Ltd. vs. Sh. Prabhkiran Singh Sandhu & anr. and other connected appeal**’ while referring to the binding precedents including that in the case of **Sidram Vs. The Divisional Manager, United India Insurance Co., Ltd. & anr., 2023(1) RCR (Civil) 44**, observed as under:

“7 The issue regarding pecuniary and non-pecuniary heads that need to be considered while awarding compensation in claims filed by victims rendered permanently disabled has been repeatedly deliberated upon by the Supreme Court. In the case of **Abhimanyu Partap Singh Vs. Namita Sekhon & another ACJ, 1995**, Supreme Court observed as under :-

“16. In view of the said legal position, the compensation can be assessed in pecuniary heads i.e. the loss of future earning, medical expenses including future medical expenses, attendant charges and also in the head of transportation including future transportation. In the non-pecuniary heads, the compensation can be computed for the mental and physical pain and sufferings present and in future, loss of amenities of life including loss of marital bliss, loss of expectancy in life, inconvenience, hardship, discomfort, disappointment, frustration, mental agony in life etc.”

8 In **Sidram Vs. The Divisional Manager, United India Insurance Co., Ltd. & anr., 2023(1) RCR (Civil) 44** Supreme Court considered the entire series of judgments and granted compensation for pecuniary and non-pecuniary expenses under the following heads :-



S.No.	Compensation
1.	Loss of earning due to disability
2.	Loss of earning for 6 months
3.	Medical expenses
4.	Future medical expenses
5.	Attendant Charges
6.	Litigation charges
7.	Loss of conveyance
8.	Pain and suffering
9.	Marriage prospects
10.	Loss of amenities

10. In view of above, the compensation is re-worked. **Rs.31,572/-** as awarded on account of **medical expenses on actual basis** by the Tribunal, are maintained. Since the claimant needs hip replacement, **Rs.2,00,000/-** are awarded on account of **future medical expenses**. **Rs.2,500/-** awarded for **loss of amenities** are enhanced to **Rs.2,00,000/-**. Claimant is further awarded a sum of **Rs.35,000/-** as **transportation charges**; **Rs.35,000/-** for **special diet**, **Rs.35,000/-** as **attendant charges** and **Rs.50,000/-** for **pain and sufferings**. On account of **50% permanent disability** suffered by him, claimant/appellant is awarded a sum of **Rs.2,50,000/-**.

11. The appellant shall be entitled for interest @ 7.5% per annum on the enhanced amount, from the date of filing of the claim petition till the actual date of realization.

12. The impugned award is modified to the aforesaid extent.



- 13. Needless to say any amount already paid to the claimant/
appellant in execution of the award shall be set off.
- 14. Instant appeal is disposed off accordingly.

August 05, 2025
Dpr

(Pankaj Jain)
Judge

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