



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

(207)

FAO no.486 of 2000(O&M)

Reserved on: 14.10.2025

Pronounced on: 28.10.2025

O.P. SAXENA**.....Appellant****Versus****ISHWAR SINGH AND OTHERS****.....Respondents****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Anil Shukla , Advocate for
for the appellant.

Ms. Kanika Goyal, Advocate with
Mr. Pardeep Goyal, Advocate for
the respondents No.3.

VIRINDER AGGARWAL, J.

1. This Appeal is directed against the award dated 09.09.1999 passed by the Motor Accidents Claims Tribunal, Faridabad, whereby the learned Tribunal awarded a compensation of ₹6,12,998/- along with interest at 12% per annum to the appellant/claimant on account of injuries sustained in a motor vehicular accident.

FACTUAL BACKGROUND

2. The brief facts of the case are that on 14.06.1998, claimant O.P. Saxena was travelling in a Tata Sumo No. (DL-30J-3303) along with his family from Mathura to Delhi. When they reached near village Dhundsa on Mathura road a Tata Truck bearing registration No. (HR-46-5019), driven rashly and negligently by respondent No. 1, Ishwar Singh, came from the opposite direction and collided with the vehicle. As a result of the collision, the claimant/appellant sustained multiple grievous injuries including a severe injury



to his left upper limb with complete transection of the neuro-vascular bundles. The claimant was initially treated at General Hospital, Palwal and later at Escorts Hospital, Faridabad, Indraprastha Apollo Hospital, New Delhi and VIMHANS Hospital, New Delhi. The claimant filed a claim petition before the learned Tribunal, Faridabad, seeking compensation of ₹6,00,000/-, which was later amended to ₹12,00,000/-.

3. Upon appreciation of the evidence on record, both oral and documentary, the learned Tribunal concluded that the accident in question occurred due to the rash and negligent driving of the Tata Truck bearing registration No. (HR-46-5019) by respondent No.1, Ishwar Singh. The said finding was supported by un rebutted evidence, including the FIR (Ex.P30) and the testimonies of the claimant and witnesses. The learned Tribunal held that claimant O.P. Saxena had sustained serious and grievous injuries in the said accident, resulting in 25% permanent disability of his left upper limb as per the testimony of Dr. I.P. Singh (PW-1) though not supported by a document. The learned Tribunal observed that the injuries involved complete transection of the neuro-vascular bundles and multiple fractures which required surgical intervention and skin grafting. The learned Tribunal assessed the total compensation at ₹6,12,998/- with all the respondents the driver, owner, and insurer jointly and severally liable to pay the awarded amounts with interest at the rate of 12% per annum.

CONTENTIONS

4. Learned counsel for the appellant has assailed the award primarily on the ground that the compensation is grossly inadequate. Learned counsel for the appellant argues that the learned Tribunal erred in not rightly adopting the structured formula for compensation in injury cases. The learned counsel



contended that the learned Tribunal failed to consider that the appellant suffered severe injuries, including complete transection of neuro-vascular bundles of the left upper limb and multiple chest fractures for which he underwent several surgeries and prolonged treatment at various hospitals. Further, learned counsel argues that the record clearly shows that the appellant suffered 25% permanent disability yet no compensation was awarded on that account of the disability.

5. On the other hand, learned counsel for respondent No.3 (Insurance Company) supports the award passed by the learned Tribunal and submits that the findings recorded are based on proper appreciation of evidence and law. There is no ground for interference with the well-reasoned award.

OBSERVATIONS AND FINDINGS

6. Having considered the pleadings, the evidence on record, and the award passed by the learned Tribunal, this Court observes that the claimant, Shri O.P. Saxena, sustained grievous injuries in the accident dated 14.06.1998. The medical evidence, particularly the testimony of PW-1 (Dr. I.P. Singh) and the discharge summaries (Ex.P-1 to Ex.P-4), clearly establishes that the claimant suffered severe trauma to his left upper limb, including complete transection of the neuro-vascular bundles and multiple fractures, necessitating operative procedures and skin grafting. PW-8, the claimant, further testified regarding his prolonged treatment, persistent pain, and the necessity of an attendant, which stand duly accepted.

7. As regards income and loss of earnings, the claimant was an Assistant Manager in the Central Bank of India and was drawing salary as per certificate (Ex.P-10). Further, the deposition of Ganesh Thakur (PW-4), an official of Central Bank of India, shows that the regular emoluments and the pattern of



non-paid salary (full pay June-August 1998 and half pay from Sept-Nov 1998) which the learned Tribunal has accepted in computing loss of salary. The learned Tribunal has quantified special damages arising from non-payment of salary and attendant expenses. Therefore, the learned Tribunal correctly computed the loss of salary at **₹1,69,816/-**. Additionally, the appellant's testimony on the requirement of a servant for personal care substantiates the grant of **₹ 15,000/-** towards attendant expenses. Further, the learned Tribunal also considered Medical treatment expenses, supported by hospital records (Ex.P-1 to Ex.P-4, Ex.P-7, Ex.P-8, Ex.P-12, Ex.P-13) and medical bills (Ex.P-14 to Ex.P-29), which were quantified by the learned Tribunal at **approximately ₹3,53,182/-**. These amounts collectively formed the special damages totaling **₹5,37,998/-**, which this Court finds to be fully supported by the documentary and oral evidence and are hereby **affirmed**.

8. Significantly, although PW-1 (Dr. I.P. Singh) recorded a 25% permanent disability, but appellant-claimant would continue to receive his full salary in the future, and his professional earnings would remain largely unaffected. The injury, though causing physical inconvenience and discomfort, would not reasonably affect his career progression or his ability to discharge the functions of his post. Considering the nature of his employment, which is primarily administrative and intellectual rather than manual, the disability would not hinder his day-to-day professional functions. The evidence suggests that he would continue to contribute effectively in his role, maintain his reputation and standing in the organization, and be entitled to all future increments, allowances, and benefits without any diminution. Further, there is nothing on record to show that the said disability had any direct bearing upon his earning capacity or the performance of his official duties. Accordingly, the learned



Tribunal was justified in not applying the structured formula or percentage-based method for computing loss of future income, as these are ordinarily relevant only in occupations where income depends on physical labour, or when income is going to be affected due to impact of permanent disability suffered in accident. Thus, the approach adopted requires no interference.

9. However, it is equally true that the learned Tribunal has assessed the non-pecuniary component of compensation rather conservatively. It is well-settled that while pecuniary damages compensate for actual monetary loss, the non-pecuniary heads address human suffering and loss of enjoyment of life, which cannot be measured with precision. Considering the nature of injuries, period of treatment, and the discomfort suffered, this Court finds it appropriate to enhance compensation under the following heads:

Head of Compensation	Amount (₹)
Pain and Suffering	30,000
Special Diet	15,000
Loss of Amenities of Life	30,000
Mental Shock and Agony	30,000
Future Treatment / Prosthetics / Medical Aids	25,000

The total enhancement under these heads is ₹1,30,000/- from ₹75,000/- as awarded by the learned tribunal.

10. Accordingly, the present appeal is partly **allowed**. The impugned award is modified, and the compensation is enhanced to **₹6,67,998/- (Rupees six lakh sixty-seven thousand Nine hundred ninety-eight only)** with interest at same rate and period as fixed by the learned Tribunal. The liability and apportionment of compensation shall be applied as per the learned Tribunal's determination. The appeal is disposed of in the aforesaid terms.



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11. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

28.10.2025
sourav pathania

(VIRINDER AGGARWAL)
JUDGE

- (i) Whether speaking/reasoned : Yes/No
- (ii) Whether reportable : Yes/No