



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108 FAO-2843-1999 (O&M)

Judgment Reserved on 11.08.2025
Judgement Pronounced on 22.08.2025

JASWINDER SINGH ... APPELLANT

VERSUS

RANDHIR SINGH AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Abhishek Pahel, Advocate and
Mr. Anil Ghangas, Advocate
for the appellant.

Mr. Pardeep Kumar, Advocate
for respondent No. 3/Insurance Company.

PARMOD GOYAL, J. (ORAL)

1. Appellant-claimant is aggrieved by award dated 17.03.1999 passed by Motor Accident Claims Tribunal, Kurukshetra (for short ‘MACT) vide which appellant was found entitled to total compensation of ₹95,000/- on account of injuries suffered by him in accident dated 07.12.1996 caused by respondent No.1 while driving vehicle No. HNQ-8580 rashly and negligently.
2. Learned MACT decided issue No. 1 in favour of appellant-claimant holding respondent No. 1 rash and negligent while driving offending vehicle No. HNQ-8580 thereby causing accident and injuries to claimants. While determining quantum of compensation, following compensation was awarded:

a.	Compensation on account of mental shock, pain and suffering	₹5,000/-
b.	Medical expenses	₹15,000/-
c.	Loss of income	₹5,000/-



d.	Damage to the vehicle	₹10,000/-
e.	Compensation on account of permanent disability, loss of future comforts and enjoyments.	₹60,000/-
Total		₹95,000/-

3. After considering evidence of Dr. C.R. Khatri-PW1, Tribunal concluded that appellant had suffered 51% disability, out of which 15% was permanent disability and 36% was temporary disability which was curable with the passage of time and medical treatment. Appellant claimed ₹80,000/- to ₹90,000/- as expenses towards medical treatment and claimed to have remained hospitalized for 22 days, however, learned Tribunal after taking medical bills available on record, concluded that appellant had spent only ₹10,568/- (Ex. P1 to Ex.P25) and awarded medical expenses to the extent of ₹15,000/- after taking into consideration medical evidence proved on record. It was also noticed that appellant had taken treatment from Civil Hospital and amount spent by him was only on purchase of medicines from outside. No evidence was adduced by appellant towards expenses incurred on transport and special diet, however, taking monthly income of deceased as ₹2500/- to ₹3,000/-. ₹5,000/- was awarded towards loss of income. ₹5,000/- was awarded towards pain and sufferings. After taking into consideration, mechanical report Ex. P-28 whereby damage to Maruti Van was found. Keeping in view, the mechanical report, the learned Tribunal has awarded ₹10,000/- on account of damage to the vehicle. However, since claimant could not examine or prove extent of damage and repair. Claim on the basis of guess work of Rs. 65,000/- was not accepted.

4. On consideration, I find that award of compensation under the head's compensation on account of mental shock, pain and sufferings, medical expenses,



loss of income and damage to the vehicle needs no interference as same are based upon evidence led by claimant, the same is accordingly upheld.

5. Learned counsel for the appellant has vehemently challenged award of Rs. 60,000/- towards permanent disability and has claimed that learned Tribunal has failed to award any compensation for loss of future prospects, for loss of future amenities of life and for future medical expenses.

6. In the present case, appellant has duly examined doctor as PW1 who has placed disability certificate on record as Ex.P1. Disability certificate goes to show that appellant had suffered permanent disability to the extent of 15% and temporary disability to the extent 36% which was curable with passage of time, treatment and physiotherapy. 15% permanent disability is in the shape of infirmity of left elbow. Appellant has claimed that he was driver as well as mason and was earning ₹7,000/- per month, however, except for fact that he owned a Maruti Van, no other material has been placed to prove his monthly income. Oral assertion that he was earning ₹7,000/- cannot be taken as truthful in absence of any substantive evidence and at the most appellant can be taken as a driver i.e. skill labourer. Therefore, conclusion of learned Tribunal taking ₹3,000/- per month as income of deceased cannot be faulted.

7. In the present case, permanent disability is to the extent of 15% i.e. infirmity of left elbow. Keeping in view, nature of permanent disability, the functional disability is assessed as 7.5%, keeping in view the fact that there is no evidence to show that appellant cannot drive the vehicle as he has claimed himself to be a driver. However, permanent disability i.e. infirmity of left elbow would definitely reduce his earning capacity which is taken to the extent of 7.5%. Appellant was aged 38 years, therefore, multiplier of 15 needs to be applied in order to calculate loss of earning capacity. The total loss of income on account of



7.5% functional disability comes to ₹40,500/-. Claimant-appellant had also suffered 36% temporary disability which would take some time to cure and accordingly total compensation of ₹30,000/- on account of loss of income and temporary disability is awarded. Appellant is accordingly entitled to total compensation of ₹70,500/- on account of loss of income and disability. Appellant shall also be entitled to compensation of ₹5,000/- for loss of future amenities comforts and enjoyments. No evidence has been led that appellant requires any further treatment and medical expenses and, therefore, no compensation under the head of future medical expenses is to be granted. Similarly, no material has been placed on record by claimant to show that he has lost any future prospects in his life except for loss of income which has been awarded separately. Accordingly, no compensation under the head of loss of future prospects is liable to be granted.

a.	Compensation on account of mental shock, pain and suffering	₹5,000/-
b.	Medical expenses	₹15,000/-
c.	Loss of income	₹5,000/-
d.	Damage to the vehicle	₹10,000/-
e.	Compensation on account of permanent disability, loss of future comforts and enjoyments.	₹70,500/-
f.	Loss of future amenities	₹5,000/-
Total		₹1,10,500/-

8. The finding of learned Tribunal is modified on issue No. 2 to the extent that appellant shall be entitled to total compensation of ₹ 1,10,500/- along with interest as awarded by learned Tribunal. The compensation be paid to appellant along with cost and interest as per award.



- 9. The petition stands disposed of accordingly.
- 10. Pending miscellaneous application(s), if any, shall also stand disposed of.

22.08.2025		(PARMOD GOYAL)
manoj		JUDGE
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No