



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

FAO-3146-2001

Date of decision:04.12.2025

MASTER VISHAL

...APPELLANT

VERSUS

DALJIT KAUR AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None for appellant.

Mr. Vinod Gupta, Advocate
for respondent No.2.

PARMOD GOYAL, J.

1. The present claim petition has been preferred by the claimant-appellant, who is minor, being aggrieved by the award dated 05.05.2000 passed by the Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as '**Tribunal**'), whereby an amount of Rs.1,00,000/- was awarded to the claimant-appellant as compensation, along with 12% interest from the date of filing of the petition until the date of its realization.

2. The claimant-appellant is aggrieved by the quantum of compensation. It is the case of the claimant-appellant that on 31.10.1996, the injured child was pillion riding on the lap of his mother on scooter bearing registration No.CH 10-4067 driven by respondent no.1. Appellant/claimant asserted that when they reached near Dara studio, Mohali the scooter fell into the pit hole and the appellant/claimant fell down from the lap of his mother and received multiple injuries on his forehead and suffered disfigurement on his face and loss of memory. On account of the impact, the claimant had sustained multiple injuries.



3. The appellant-claimant has asserted that he remained admitted in Emergency ward of PGI from 21.10.1996 to 28.10.1996 and in general ward up to 11.11.1996. PW-2 Suman (mother of appellant/claimant) had claimed that they have spent Rs. 1.5 lakhs on the treatment of appellant/claimant. The factum of the claimant–appellant’s admission to these hospitals was duly proved by Dr. M.K Tiwari, Assistant Professor, Neuro Surgery who appeared as PW-1. PW-1 had proved that the appellant-claimant was brought to the hospital on 21.10.1996 in emergency ward with history of fall from running scooter and the CT scan proved defused brain injury which was mild. It was also submitted that appellant/claimant was referred to plastic surgery for right side scalp and remained admitted in PGI from 28.10.1996 to 11.11.1996. Further it was stated by the doctor that appellant/claimant might have spent around Rs. 30,000/- on medical treatment and there is also a loss of hair on the scalp and it might recovered by cosmetic hair transplanting which cost up to Rs. 15,000/-. Appellant-claimant will have to get medicine amounting to Rs.100/- to Rs. 200/- per month for his whole life to control his fits.

4. The learned Tribunal granted Rs. 30,000/- towards medical expenses and Rs.31,000/- towards pain and sufferings and an amount of Rs. 15,000/- for cosmetic surgery also awarded Rs. 1,500/- per annum for medicines to control the fits to the claimant-appellant.

5. On consideration, I find that the amount of Rs.30,000/- awarded towards medical expenses was granted without taking into account the transportation expenses, cost of attendant, and special diet. The claimant–appellant has successfully proved that he remained admitted in PGI, Chandigarh,



clearly indicate that the appellant-claimant must have spent a considerable amount on transportation and expenses on attendant and special diet. Further, being a small child at the time of the accident, injured was naturally accompanied by his parents, who would have suffered loss of income while taking him to Chandigarh and looking after him. Such loss and care would certainly fall within the category of attendant charges. Therefore, the appellant-claimant is held entitled to compensation of Rs.40,000/- under the combined heads of medical expenses, transportation, special diet, and attendant charges.

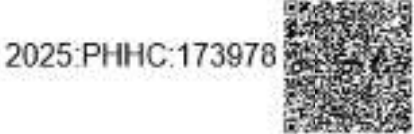
6. Keeping in view the nature of injuries, as established from the fact that the claimant-appellant remained hospitalized for several days at PGI and was thereafter admitted again, it is evident that he must have undergone immense pain and sufferings. The award of Rs.31,000/- granted by the learned Tribunal under this head is on the lower side and requires enhancement. Accordingly, the claimant-appellant, is entitled to compensation of Rs.40,000 /- under the head of pain and sufferings. PW-1 has clearly stated that in accident injured had suffered injuries on his brain and said injury resulted in fits which was quantified as 25% permanent disability. However, no compensation was paid for loss of earning capacity. Keeping in view nature of disability of 25% the functional disability is taken to be 20% for determining loss of earning capacity due to permanent injuries. By taking monthly income as Rs.1,500/- payable to unskilled worker the loss of earning capacity is taken as Rs.300/-. By adding 40% towards future prospects and applying multiplier of 18 as appellant-claimant was minor, the total loss for earning capacity comes to Rs.90,720/- ($300+120=420 \times 18 \times 12$) and accordingly granted. Appellant/claimant shall also be entitled to compensation of Rs.20,000/- for loss of future prospects and

7. Accordingly, the appellant–claimant is entitled to the following compensation:

Income	Rs. 1,500/- per month (payable to an unskilled worker)	Rs. 1,500/- per month
Functional disability	20% (1500 X 20/100)	Rs. 300/-
Future prospects	40% (300+120)	Rs. 420/-
Multiplier	18	18
Total loss of earning capacity	Rs 420X12X18	Rs. 90,720/-
Medical expenses, transportation, special diet and attendant charges	Rs.30,000/- (awarded by Tribunal)	Rs.40,000/-
Pain and sufferings	Rs.31,000/- (awarded by Tribunal)	Rs.40,000/-
Cosmetic surgery	Rs. 15,000/- (awarded by Tribunal)	Rs.15,000/-
Future medical expenses		Rs. 24,000/-
Loss of future amenities and prospects		Rs. 20,000/-
Total compensation awarded by Tribunal	Rs.1,00,000/-	
Compensation awarded in appeal		Rs. 2,29,720/-
Enhancement of compensation	Rs.2,29,720/- (awarded in appeal) – Rs. 1,00,000/- (awarded by Tribunal)	Rs. 1,29,720/-

8. Thus, the claimant-appellant is entitled to a total compensation of Rs.2,29,720/-. Consequently, he is entitled to an enhanced amount of Rs.1,29,720/- along with interest at the rate of 7.5% per annum on enhanced compensation so awarded from date of filing of claim petition till realization.

The apportionment and liability of respondents shall be as per the award. The



9. The appeal is accordingly allowed in the above terms.

(PARMOD GOYAL)
JUDGE

04.12.2025
Sunil Chander

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