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

FAO-1732-2003 (O&M)
Date of decision: 26.09.2025

Surjit Singh Nanda @ Surjit Singh
..Appellant

Versus

Rajinder Kumar and others ..Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Karamjit Verma, Advocate for the appellant

Ms. Manvi Verma, Advocate for
Mr. Rajneesh Malhotra, Advocate for
respondent no.3-Insurance Company

MANDEEP PANNU, J.

1. This is claimant's appeal against the award dated 18.05.2002 passed by the Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as 'Tribunal') with a prayer to modify the amount of compensation. The Tribunal has awarded compensation of Rs.3,69,000/- on account of injuries sustained by the claimant/ appellant, in a vehicular accident, which took place on 27.09.1993. There is no dispute with regard to the correctness of the findings recorded by the Tribunal regarding injuries sustained by him in the aforesaid vehicular accident as well as the fact that the accident was caused due to rash and negligent driving by Driver of the offending Tempo. Hence, the only issue is with regard to quantum of compensation.

2. Since the factum of the accident is not in dispute, therefore, for the sake of brevity, the facts, as recorded by the Tribunal, in the impugned award, are not being reproduced herein.

3. Learned counsel for the claimant-appellant submits that Tribunal has awarded highly inadequate compensation by wrongly assessing income of claimant and also without granting future prospects. Furthermore, amount under Heads 'Loss of enjoyment of life', 'special diet' and 'transportation is insufficient.

4. Per contra, learned counsel for respondent No. 3 - Insurance Company has vehemently argued that sufficient amount towards compensation has already been awarded by the Tribunal and there is no scope for enhancement.

5. This Court has considered the submissions made by the learned counsel for the parties.

6. Now let us examine the income of claimant/appellant. He was 38 years old at the time of accident and claimed to be running an authorised advertising agency under name and style of Link Word Company as well as working as Distributor-cum-stockist of Company Cry Sham (International) Pvt. Ltd. He claims his monthly income to be Rs.12,000/-. However, income tax return for the year 1992-93, which is on record as Mark 'A' and is duly considered by the Tribunal, reflects annual income of claimant as Rs.29,000/-. Therefore, the Tribunal has rightly assessed his annual income as Rs.30,000/-(i.e Rs.2500/- per month) for the subsequent year. However, in view of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017)**

16 SCC 680], claimant is entitled to grant of future prospects at rate of 40% and the same are granted.

7. Claimant/appellant has suffered injuries in the accident. The Tribunal has rightly assessed his disability to the extent of 30% while relying upon 18% ortho disability proved by deposition of Dr. Parvinder Pal Singh, Orthopaedic Surgeon, who has stated that claimant has old malunited fracture humerus right arm with limited range of motion, right shoulder and right elbow with mal deformed dention as well as deposition of Dentist that there is 50% disability in his jaw. The Tribunal is not required to assess disability in relation to particular limb or organ or part of body rather its impact has to be seen on earning and functional capacity of injured person. Therefore, by applying certain guess work, the Tribunal has rightly assessed disability of the claimant/appellant as 30% (18% ortho disability and 12% on account of disability in jaw).

8. So far as multiplier is concerned, Tribunal has wrongly applied multiplier of 16 whereas it should be 15 in view of **Sarla Verma vs. Delhi Transport Corporation and Another (2009) 6 SCC 121.** Accordingly, multiplier is assessed as 15.

9. Amount awarded towards medical expenses is maintained. However, amount awarded towards transportation and special diet is enhanced from Rs.10,000/- to Rs.30,000/- since claimant was under treatment for a period of 2 years. Towards loss of enjoyment of life, amount is enhanced from Rs.30,000/- to Rs.50,000/-.

10. Accordingly, the compensation is re-assessed as under :

Sr. No.	**Heads**	**Compensation awarded**
1.	Monthly income	2500/-
2.	Future prospects @ 40% 2500x40 = 1000/-	3500/- [2500+1000]
3.	Annual income 3500 x 12 = 42000	42000/-
4.	Disability	30%
5.	Loss of annual income on account of disability 42000x30% = 12,600	12,600/-
6.	Multiplier	15
7.	Compensation on account of disability 12600x15	1,89,000/-
8.	Loss of income during period of treatment of 2 years 42000x2 = 84,000/-	84,000/-
9.	Medical expenses	95,000/-
10.	Loss of enjoyment of life	50,000/-
11.	Transportation and special diet	30,000/-
	Total	**Rs. 4,48,000/-**

11. The claimant-appellant shall be entitled to difference in amount of compensation alongwith interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realization. Rest of the award needs no modification.

12. Accordingly, the appeal stands partly allowed.

13. All the pending miscellaneous applications, if any, are also disposed of.

(MANDEEP PANNU)
JUDGE

26.09.2025
rekha
Whether speaking/reasoned Yes/No
Whether reportable Yes/No