



FAO-4370-2019
FAO-5212-2019 (O&M)

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

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FAO-4370-2019
Date of decision :21.08.2025

SANDEEP SINGH

... APPELLANT

VERSUS

LALIT KUMAR AND OTHERS

...RESPONDENTS

FAO-5212-2019 (O&M)

NEW INDIA ASSURANCE COMPANY LTD.

... APPELLANT

V/S

SANDEEP SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ashish Gupta, Advocate
for the appellant in FAO-4370-2019 and
for respondent No. 1 in FAO-5212-2019.

Mr. Ashwani Talwar, Advocate,
Mr. Deepak Goyat, Advocate and
Mr. Nikhil Sehrawat, Advocate
for respondent-Insurance Company in FAO-4370-2019
for the appellant in FAO-5212-2019.

PARMOD GOYAL, J. (ORAL)

By this common order, the above-noted appeals are being disposed as both arise out of same impugned award dated 03.04.2019 passed by the learned Motor Accident Claims Tribunal, Karnal (hereinafter referred as 'Tribunal').

2. Out of the two appeals one is preferred by Insurance Company claiming award of Rs. 33,07,443/- in favour of claimant to be excessive, whereas other appeal has been preferred by claimant being dissatisfied by award dated



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03.04.2019 whereby he was awarded Rs. 33,07,443/- and claimant has sought enhancement of compensation.

3. Admittedly, injured-claimant was 20 years old at the time of accident. He was higher secondary examination pass. Taking him to be an unskilled labourer, his annual income was determined on the basis of minimum wages and was taken to be Rs.8,000/- and in the so determined income, 40% towards future prospects was added and total compensation of Rs. 24,19,200/- on account of loss of earning capacity on account of permanent disability has been awarded.

4. Learned counsel for the Insurance Company has challenged award of compensation of Rs. 24,19,200/- for loss of earning capacity on the ground that as per evidence of PW-1, Dr. Savita Chahal as well as on the basis of disability certificate, the disability of injured was found to be 50% whereas Court has awarded compensation taking functional disability to be 100% which is contrary to the certificate issued by doctor and proved on record.

5. Learned counsel for the appellant on the other hand justified award of 100% functional disability on the ground that the disability suffered by claimant was not physical disability rather it was mental disability as he was found to having intelligence quotient of 63 alone, resulting him to be in vegetative stage and rendering him unable to earn his livelihood.

6. On consideration, I do not find any error in his judgment passed by learned Tribunal. The functional disability is found out on the basis of loss of earning capacity, which the claimant would suffer on account of accidental injuries.

7. In the present case, admittedly, disability is not physical rather it is mental. Question would be whether a person having low intelligence quotient of



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63 can earn his livelihood and to what extent. The answer would be that a person having low intelligence quotient of 63 is totally unfit to carry any vocation/profession in his life. Therefore, taking of 100% functional disability by the learned Tribunal cannot be faulted with. I do not find any error in quantification of compensation.

8. Faced with this, learned counsel for the appellant-claimant has submitted that claimant is entitled to enhancement of compensation as very meagre amount has been awarded on account of transportation charges, special diet and cost of attendant, etc. It is to be noted that following compensation under following heads has been awarded:-

On account of medical bills and treatment	Rs. 4,98,243/-
Special diet	Rs. 10,000/-
Conveyance charges	Rs. 10,000/-
Attendant charges	Rs. 20,000/-
Loss of future earnings	Rs. 24,19,200/-
Future medical expenses	Rs. 50,000/-
Pain and suffering	Rs. 2,00,000/-
Loss of amenities/marriage prospectus	Rs. 1,00,000/-
Total	Rs. 33,07,443/-

9. On perusal of above compensation awarded by the learned Tribunal, keeping in view the fact that no evidence has been led by appellant regarding expenses incurred by him on special diet, conveyance charges and attendant charges, no ground for enhancement under these heads is made out. Other compensation under other heads especially in view of compensation awarded



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under heads of future prospects, medical expenses, pain and suffering as well as for loss of future amenities/marriage prospectus is just compensation.

- 10. Accordingly, both the appeals are liable to be dismissed.
- 11. Ordered accordingly.

21.08.2025
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(PARMOD GOYAL)
JUDGE

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