



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

FAO-4567-2008 (O&M)
Date of Decision: November 21, 2025

Amarpal

...Appellant

VERSUS

Ramavtar and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.S.S.Khurana, Advocate
for the appellant.

Mr.Rajneesh Malhotra, Advocate
for respondent No.3.

ARCHANA PURI, J.

The present appeal has been filed by appellant-claimant-
Amarpal, thereby, questioning the adequacy of the compensation awarded
by learned Motor Accident Claims Tribunal, on account of injuries sustained
by him, in a motor vehicular accident.

Suffice to consider that the accident had taken place on
07.12.2005, while the bus bearing registration No.HR-47-8286 was driven
by respondent No.1-Ramavtar, in a rash and negligent manner and struck
into the appellant-claimant. As a result of this accident, the appellant-
claimant Amarpal had sustained injuries.

On appraisal of the evidence, brought on record, learned
Tribunal had awarded compensation to the extent of Rs.1,12,850/-, the

break-up whereof, now in the tabular form is herein given:-

Pain and suffering	Rs.25,000/-
Attendant charges	Rs.5,000/-
Special diet	Rs.7,500/-
Physical disability	Rs.36,000/-
Transportation	Rs.3,600/-
Loss of income	Rs.5,000/-
Expenses on medicines	Rs.30,750/-
Total	Rs.1,12,850/-

Being aggrieved, only the appellant-claimant has filed the present appeal for seeking enhancement of the compensation.

The ‘**work on**’ of the compensation, as detailed aforesaid, do call for re-determination.

It is settled law that metric for consideration, while adjudicating the compensation cases, is ‘just and fair compensation’. Fairness extends to both the sides, vis-a-vis, receiver and the payer. In this regard, beneficial reference is made to *Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77*, wherein it was held by the Hon’ble Supreme Court that the ‘**just**’ compensation is adequate compensation and the Award must be just that-‘**no less and no more**’. Suffice also to mention that the aspect of functional disability to be taken, in case of permanent disability, as elucidated in *Raj Kumar Vs. Ajay Kumar and Anr., 2011 (1) SCC 343*, which has been followed by the Courts from time to time. Even, on this count, how the compensation is to be worked upon, which affects the functional disability, has been considered by the Courts, time and again.

It goes without saying that in matters of determination of compensation, the Tribunal/Courts are statutorily bound by the

responsibility of fixing just compensation. It is obviously true that determination of '**just compensation**' cannot be equated to bonanza, but at the same time, it ought not to be a niggardly amount. The concept of '**just compensation**' obviously suggest an application of fair and equitable principles and reasonable approach, on the part of Tribunals/Courts. However, the measures have to be applied proportionately.

In this backdrop, adverting to the case in hand, it is pleaded case of the appellant-claimant that he had suffered fracture of pelvis and fracture of right tibia and multiple fractures in the ribs as well as rupture of his bladder, for which, he remained hospitalized and was operated upon for the injuries. He was firstly taken to Arvind Yadav Hospital and thereafter, he remained admitted in AIIMS Hospital, New Delhi from 07.12.2005 upto 02.02.2006. He was also operated upon.

To so substantiate the detail of the injuries, Abhey Singh, father of the appellant-claimant, stepped into witness box as PW-3 and in his affidavit Ex.PW3/A, categorically deposed about the detail of the injuries suffered by his son, in the accident in question. There were three fractures and rupture of his bladder. He had taken treatment from AIIMS Delhi and remained hospitalized from 07.12.2005 to 02.02.2006. He also further deposed that his son was 16 years at that time and on account of injuries sustained in the accident, he could not take his examination of 10th class.

Besides the aforesaid witness, the appellant-claimant had also examined PW-8 Dr.S.Rustogi, Professor, Department of Orthopaedics, who deposed about patient Amarpal s/o Abhey Singh to be treated in their hospital for fracture of pelvis, fracture of right tibia and was evaluated for permanent physical impairment, which was found to be 18%, in relation to

his right lower limb and disability certificate was issued, which is PW8/A.

Furthermore, various witnesses, such like PW-1 S.P.David, PW-2 Madan Mohan Singh, PW-5 Dalip Kumar, proved various bills, vis-a-vis, treatment undergone by the appellant-claimant, on account of the injuries in question.

Also further, the appellant-claimant has examined PW-4 Ajit Singh, who deposed about having remained as an attendant of the appellant, for a period of four months from 15.02.2006 to 15.06.2006 at a salary of Rs.1500/- per month.

Further, the discharge summary of the appellant-claimant has also been proved as PW-6/A, which also reflects about him to have undergone operation. The appellant-claimant remained admitted in AIIMS New Delhi for a period of about two months.

In the light of aforesaid evidence, also it is essential to note that the appellant-claimant was 16 years old, at the relevant time and he was student of 10th class.

At this juncture, it shall be appropriate to make reference to ***Erudhaya Priya vs. State Express Transport Corporation, 2020 ACJ 2159***, wherein, reference was made to the settled principles, set out in ***Jagdish Vs. Mohan and others, 2018 (4) SCC 571*** and it was observed as herein given:-

“8. In assessing the compensation payable the settled principles need to be borne in mind. A victim who suffers a permanent or temporary disability occasioned by an accident is entitled to the award of compensation. The award of compensation must cover among others, the following aspects:

- (i) Pain, suffering and trauma resulting from the accident;*
- (ii) Loss of income including future income;*
- (iii) The inability of the victim to lead a normal life together*

with its amenities;

(iv) Medical expenses including those that the victim may be required to undertake in future; and

(v) Loss of expectation of life.”

[emphasis supplied]”

Also, it was observed that the aforesaid principle was emphasized in an earlier judgment, i.e. **Sandeep Khanuja v. Atul Dande & Another, 2017 ACT 979**, opining that the multiplier method was logically sound and legally well established, to quantify the loss of income, as a result of death or permanent disability suffered in the accident. Further, it was observed that while applying the multiplier method, future prospects on advancement in life and career, ought to be taken into consideration.

Observing on the same principle, reference is made to **Kartik Subramanian vs. B. Sarath Bahu and another, 2021 (2) RCR (Civil) 303**, wherein, again it was observed that multiplier method has to be applied for future prospects and advancement in life and career. While working on the same principle, loss of earnings part was worked upon and towards the same, addition of future prospects was also made, while making the assessment of the compensation, which stood enhanced.

In the case in hand, the disability certificate has been proved as PW8/A and therein, it is specifically certified that patient was follow-up case of fracture pelvis, with fracture right tibia for which he was treated conservatively and at present, he is having mild weakness of right hip, knee and ankle and 18% disability was assessed, in relation to his right lower limb. This disability assessed, in the minimum, has to be taken as 18% and the compensation worked upon, on account of this disability is obviously on

a lesser side, which is to the extent of Rs.36,000/-.

In view of the aforesaid case law, in modest estimate, the notional earnings of appellant-claimant can be taken as Rs.3000/- per month. Addition on the count of future prospects is taken as 40% and thus, the total income is taken as Rs.4200/- per month. Considering the age of the appellant-claimant, the suitable multiplier to be applied is '18' and by application of the same and also multiplying the same with 18% of disability and dividing the same by 100, as per standard multiplier process, the annual loss is assessed as $\text{Rs.}4200 \times 12 \times 18 \times 18 / 100 = \text{Rs.}1,63,296/-$.

On account of medical expenditure, on the basis of the bills proved, learned Tribunal had appropriately awarded **Rs.30,750/-**. However, various other counts also calls for enhancement.

It is pertinent to note that appellant-claimant remained admitted in the hospital for a period of about two months and timing of his sustaining of injuries is very crucial, which was in month of December, while he was student of 10th class and was to face examination, after a period of three months. Out of the same, he remained admitted in the hospital for a period of two months. Therefore, there was definitely loss of studies, for which, he must have passed through mental turmoil. On this account and also on the count of 'pain and suffering' undergone by him, during the course of treatment, the compensation of Rs.25,000/- awarded by learned Tribunal stands enhanced to **Rs.50,000/-**.

Likewise, compensation awarded on the count of attendant charges also calls for enhancement. Though, father of the appellant had stated that he had engaged attendant Ajit Singh and was paying Rs.2000/- per month, but Ajit Singh himself stepped into witness box and stated that he was given

Rs.1500/- per month. Anyhow, learned Tribunal, while considering the attendant charges to be Rs.1000/- per month, had awarded an amount of Rs.5000/- for a period of five months. This amount is also on lesser side and calls for enhancement. It is quite obvious that even if it is assumed that no attendant, as such, as asserted was engaged, but however, for some period of time, the appellant-claimant was required to be looked after by a bystander/attendant. He may have been looked after by Ajit Singh attendant, for some period of time, but definitely, there is contribution on the part of family members also. Be it noted that the family members also perform role of care-giver, only by diverting their own time, from any form of gainful employment, which could have generated some income. Thus, on the count of 'attendant charges', the amount stands enhanced from Rs.5000/- to **Rs.10,000/-**.

Obviously, during the period of treatment and some time thereafter, in the minimum, the appellant-claimant must have been put on special rich diet, for the healing process. On this count also, the compensation is enhanced to **Rs.10,000/-** from Rs.7500/-.

It was for long period of time that the appellant remained admitted in the hospital and various trips 'to and fro' must have been made, during the period of hospitalization to take care of the appellant and thereafter also, for follow-up also and thus, on the count of transportation also, the amount of Rs.3600/- is too meagre and the same stands enhanced to **Rs.10,000/-**.

Besides the aforesaid, also it is pertinent to note that various other counts, as such, have been given amiss, which ought to have been taken into consideration, while considering the appellant to be only 16 years

old, at the relevant time. Considering the age of the appellant, he was to go long way and because of the injury sustained, which though is 18%, but however, many avenues of job exploration became restrictive for him, such like defence forces etc. Therefore, his base for settlement in life became restrictive, more particularly, considering about loss of his studies, on account of injury sustained by him. Considering the same, another amount of **Rs.25,000/-** is granted.

Considering the weakness suffered by the appellant-claimant of his right hip, knee and ankle, as coming forth in evidence, to some extent his marriage prospects are bound to be affected and thus, on the count of ‘loss of marriage prospects’, another amount of **Rs.25,000/-** is granted.

Thus, on various counts, as detailed aforesaid, the compensation to be granted to appellant-claimant-Amarpal, is re-computed, as herein given:-

1.	Loss on account of disability	Rs.1,63,296/-
2.	Medical bills	Rs.30,750/-
3.	Pain and suffering	Rs.50,000/-
4.	Attendant charges	Rs.10,000/-
5.	Special diet	Rs.10,000/-
6.	Transportation	Rs.10,000/-
7.	Loss of studies	Rs.25,000/-
8.	Loss of marriage prospects	Rs.25,000/-
	Total	Rs.3,24,046/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.3,24,046-1,12,850=Rs.2,11,196/-**. On the enhanced amount of compensation, i.e. **Rs.2,11,196/-**, the appellant-claimant shall be entitled to the interest, at the

rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation.

With the above observations, the present appeal stands allowed.

November 21, 2025	(ARCHANA PURI)
Vgulati	JUDGE
Whether speaking/reasoned	Yes
Whether reportable	Yes/No