2025:PHHC:045842

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1873-2009 (O&M)
Date of Decision : 03.04.2025

Manoj Kumar ... Appellant(s)

Versus

Ajit Singh & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ishan Aggarwal, Advocate for
Mr. Sudhir Aggarwal, Advocate for the appellant.

Ms. Manvi Verma, Advocate for
Mr. Rajneesh Malhotra, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellant challenging the award dated 03.03.2009 passed by the Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as 'the Tribunal') whereby an amount of ₹4,00,000/- was awarded as compensation on account of the injuries received by the claimant-appellant in a motor vehicle accident which occurred on 02.01.2008.

2. Since the factum of the accident is not in dispute, the facts are are not being adverted to for the sake of brevity.

3. In the present case the Tribunal had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Medical and other expenses	₹2,25,000/-
2.	Loss of income	₹1,50,000/-

3.	Pain and sufferings	₹25,000/-
	Total Compensation	**₹4,00,000/-**
	Interest	**@ 9% per annum**

4. Learned counsel for the claimant-appellant would contend that though the Tribunal has rightly taken the disability of the injured claimant-appellant @ 75% permanent in nature and also rightly assessed the monthly income of the claimant-appellant as ₹6,000/- per month, however, the loss of income as assessed by the Tribunal is on the lower side. The learned counsel for the claimant-appellant would contend that the injured claimant-appellant was 19 years of age at the time of the accident. In the said accident the claimant-appellant sustained multiple grievous injuries. It is further the contention of learned counsel for the claimant-appellant that the claimant-appellant remained admitted in Paras Hospital, Gurgaon upto 21.01.2008 and was operated upon thrice and his right leg above the knee was amputated. The learned counsel for the claimant-appellant would further contend that the amount of compensation awarded by the Tribunal is on the lower side inasmuch as the Tribunal ought to have applied a multiplier method and that the amount awarded under the head pain and suffering is also on the lower side and further no amount has been awarded towards attendant charges, special diet, artificial limb and loss of amenities of life. The learned counsel for the claimant-appellant has relied upon judgments of the Hon'ble Supreme Court in the cases of **Pappu Deo Yadav Vs. Naresh Kumar & Ors. [2020 (4) RCR (Civil) 404]** and that of the Delhi High Court in case of **Reliance General Insurance Co. Ltd. vs. Rohit Kumar & Ors. [2017 (7) AD (Delhi) 602]**.

5. *Per contra*, the learned counsel for the respondent No.3-Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no further scope of any enhancement.

6. Heard.

7. In the present case the claimant-appellant was 19 years of age and as a result of the accident his right leg above the knee was amputated and his permanent disability was assessed as 75%, which is not in dispute, and hence the same is maintained. The Tribunal has assessed the monthly income of the claimant-appellant as ₹6,000/-, which is also not in dispute, and the same is maintained. However, a multiplier method ought to have been applied. Hon'ble the Supreme Court in the case of **Pappu Deo Yadav** (supra) has held as under :

> *"12. In view of the above decisive rulings of this court, the High Court clearly erred in holding that compensation for loss of future prospects could not be awarded. In addition to loss of future earnings (based on a determination of the income at the time of accident), the appellant is also entitled to compensation for loss of future prospects, @ 40% (following the Pranay Sethi principle).*
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> *13. The factual narrative discloses that the appellant, a 20-year-old data entry operator (who had studied up to 12th standard) incurred permanent disability, i.e. loss of his right hand (which was amputated). The disability was assessed to be 89%. However, the tribunal and the High Court re-assessed the disability to be only 45%, on the assumption that the assessment for compensation was to*

> *be on a different basis, as the injury entailed loss of only one arm. This approach, in the opinion of this court, is completely mechanical and entirely ignores realities. Whilst it is true that assessment of injury of one limb or to one part may not entail permanent injury to the whole body, the inquiry which the court has to conduct is the resultant loss which the injury entails to the earning or income generating capacity of the claimant. Thus, loss of one leg to someone carrying on a vocation such as driving or something that entails walking or constant mobility, results in severe income generating impairment or its extinguishment altogether. Likewise, for one involved in a job like a carpenter or hairdresser, or machinist, and an experienced one at that, loss of an arm, (more so a functional arm) leads to near extinction of income generation. If the age of the victim is beyond 40, the scope of rehabilitation too diminishes. These individual factors are of crucial importance which are to be borne in mind while determining the extent of permanent disablement, for the purpose of assessment of loss of earning capacity."*

8. In view of the law laid down in the case of **Pappu Deo Yadav** (supra), the Tribunal ought to have applied a multiplier method keeping in view the disability of the claimant-appellant. At the time of the accident the claimant-appellant was 19 years of age and hence a multiplier of '18' would be applicable and an addition of 40% is also to be made towards loss of future prospects.

9. No amount has been awarded towards attendant charges. The claimant-appellant, who remained admitted in hospital from 02.01.2008 to 21.01.2008 and was operated upon thrice, would be entitled to attendant

charges at least for one month. Accordingly, this Court deems it appropriate to award an amount of ₹6,000/- towards attendant charges as per the minimum wages at the relevant time.

10. The Tribunal has not awarded any amount towards a prosthetic limb. Taking a cue from the judgment in the case of **Rohit Kumar** (supra) wherein an amount of ₹7,00,000/- was awarded towards cost of the artificial limb in the year 2017, I deem it appropriate to award an amount of ₹7,00,000/- towards costs of the artificial limb and future maintenance of the said artificial limb. The amount of ₹25,000/- awarded by the Tribunal under the head pain and suffering is on the lower side and the same is enhanced to ₹2,50,000/-. The Tribunal has not awarded any amount under the head special diet and hence this Court deems it appropriate to grant ₹25,000/- towards special diet. An amount of ₹5,00,000/- is also awarded towards loss of amenities of life. The Tribunal has not awarded any amount towards transportation charges. An amount of ₹25,000/- is awarded towards transportation charges. The amount of ₹2,25,000/- already awarded by the Tribunal towards medical bills is maintained. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Annual income	[₹6,000 x 12] = ₹72,000/-
2	Loss of annual Income on account of 75% permanent disability	₹54,000/- (₹72,000 – 18,000)
3	Future prospects @ 40%	[₹54,000 + 21,600] = ₹75,600/-
4	Multiplier of 18	[₹75,600 x 18] = ₹13,60,800/-
5	Pain and suffering	₹2,50,000/-
6	Special Diet	₹25,000/-
8	Transportation charges	₹25,000/-

9	Loss of amenities of life	₹5,00,000/-
10	Costs of Artificial limb and its maintenance in future	₹7,00,000/-
11	Attendant charges as awarded by the Tribunal	₹6,000/-
12	Medical expenses as awarded by the Tribunal	₹2,25,000/-
	Total Compensation	**₹30,91,800/-**

11. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

12. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 INSC 361 : Civil Appeal No.4299 of 2025 arising out of SLP (C) No.4484 of 2020 decided on 18.03.2025]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account of the claimant-appellant within six weeks from today. The particulars of the bank account alongwith the requisite documents in support thereof shall be furnished by the claimant-appellant to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

13. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

03.04.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO