

FAO-4335-2009 (O&M)

2025.11.11C. 158158



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

FAO-4335-2009 (O&M)

Decided on : 12.11.2025

Sushil

....Appellant

Versus

Bhupinder Singh & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. S.S.Mor, Advocate
for the appellant.

Mr. Manjit Singh Gahlawat, Advocate
for respondent No.1.

Mr. Pardeep Goyal, Advocate and
Ms. Kanika, Advocate
for respondent No.3.

PANKAJ JAIN, J. (ORAL)

1 Appellant seeks enhancement of compensation.

2 Appellant filed petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation for having suffered 70% permanent disability after getting injured in a motor vehicle accident dated 17.08.2006. The appellant remained hospitalized from 17.08.2006 till 29.09.2006 i.e. for 44 days. His right leg below the knee got amputated. Tribunal while assessing the compensation observed as under :-

“13. The claimant had suffered crush injury. He had been in constant pain and agony. It was a time of travail and trauma. He has become disabled and suffered loss due to the injuries. He remained admitted in the PGIMS, Rohtak on 17.8.2006 and was discharged on 29.9.2008

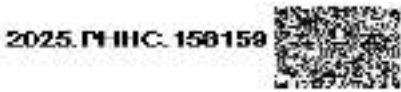


(42 days). Taking into consideration the pain and sufferings which he suffered for such a long time a sum of Rs. 10,000/-is allowed in this account. Further nutritious diet was required for early healing of injuries. Taking into consideration the pain and sufferings and the charges for special diet a sum of Rs. 10000/-is allowed. Further the petitioner has produced bill Ex. P66 for fitment proposal for right below knee prosthesis. The costs of this option is Rs. 1,75,772/-When the petitioner present in the court during the time of the arguments he has fixed the component. Thus he is entitled for compensation for this component which is Rs. 1,75,772/-.

14. To determine the loss of earning, the evidence of petitioner is to be looked into it has come in the evidence of PW-1 petitioner himself that at the time of accident he was earning Rs. 50,000/- per month from his business of transport and agricultural land. He was bed ridden for long time. He has placed on record Saral form Ex. P68 and Ex. P69. As per Ex.P68 his annual income was Rs. 1,08,170/-and as per Ex. P69 his annual income was Rs. 1,36,900/-. There is no evidence of the respondent to rebut the claim of the petitioner. So taking into account Ex. P68 and Ex.P69 the average income of the petitioner come to Rs. 10,000/- per month. The petitioner is entitled for loss of income and on this account he is entitled for Rs. 20,000/- only.

15. Further the accident took place at village Naguran and from there he was taken to Civil Hospital, Jind and thereafter he was shifted to PGIMS, Rohtak. Though no details of expenditure incurred on transport had been given yet keeping in view the nature of the injuries suffered by him an amount of Rs. 2000/-is awarded as compensation as transportation charges.

16. It hits come into evidence of the petitioner as PW-1 that he employed one person as permanent employee to assist him as he cannot walk without assistance of one person and cannot drive any vehicle and he pay Rs. 5000/- per month to that employee. Taking into



consideration, the injuries suffered by him he must have employed a person as attendant to assist him and on this account he is entitled to Rs. 6000/- as attendant charges.

17. Compensation allowed to the claimant Sushil, put in a tabular form is given below:-

Sr.No.	Nature	Amount in Rupees
1	Medical expenses	32,000.00
2	Pain and suffering	10,000.00
3	Special diet	10,000.00
4	Artificial leg	1,75,772.00
5	Transportation	2,000.00
6	Loss of income during treatment	20,000.00
7	Disability	1,40,000.00
8	Attendant	6,000.00
		3,95,772.00

3 Counsel for the appellant has assailed the award passed by the Tribunal. He submits that the claimant is owner of two buses. He was driving one of the buses on his own. His annual income has been proved on record as Rs. 1,36,900/-. The income tax return filed in Saral form (Ex.P69) is on record. Nothing has been paid for loss of income owing to 100% functional disability suffered by the appellant.

4 Keeping in view ratio of law laid down by Supreme Court in the case of *Sidram Vs. The Divisional Manager, United India Insurance Co., Ltd. & anr., 2023(1) RCR (Civil) 44* and *K.S. Muralidhar v.R. Subbulakshmi & Anr. 2024 SCC OnLine SC 3385*, this Court is of the opinion that the Tribunal ought to have compensated the claimant for loss of income that he has suffered owing to the functional disability of 100%. At



the time of accident, the claimant was 39 years of age. Accordingly, his loss of income on account of 100% functional disability is calculated as under :-

- First, **future prospects** = 40% of 1,20,000 = $0.40 \times 1,20,000 = 48,000$
- So, total = 1,20,000 + 48,000 = **1,68,000**
- Multiplier = 15
 $1,68,000 \times 15 = \text{₹ } 25,20,000$

5 Medical expenses of Rs. 32,000/- awarded on actual basis by the Tribunal is maintained. For pain and suffering, the amount of Rs.10,000/- awarded by the Tribunal is enhanced to Rs.50,000/-. For special diet he is awarded an amount of Rs.20,000/-. The amount of Rs.1,75,772/- awarded by the Tribunal is maintained. For transportation, amount of Rs.2,000/- awarded by the Tribunal is too meager. The same is enhanced to Rs.20,000/-. Loss of income for two months while he remained under treatment has been rightly awarded i.e. Rs.20,000/-. The same is maintained. Attendant charges of Rs.6,000/- is ordered to be enhanced to Rs.20,000/-.

6 Needless to say, the appellant shall be entitled to interest @7% per annum on the enhanced amount from date of filing of the claim petition till the date of actual realization. Any amount already paid to the claimants shall be set off.

7 With the aforesaid modification in the award, the appeal is disposed off.

12.11.2025
Pooja Sharma-I

Whether speaking/reasoned:
Whether reportable:

(PANKAJ JAIN)
JUDGE
Yes/No
Yes/No