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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-3636-2016 (O&M)

Date of Decision : 12-09-2025

MOHD ARIF

.....Appellant

VERSUS

RANBIR SINGH AND ANR.

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Ekta Thakur, Advocate
For Ms. Shikha, Advocate
for the appellant.

Respondent *ex parte*.

HARPREET KAUR JEEWAN, J. (Oral)

1. The present appeal has been preferred by the claimant seeking enhancement of the compensation awarded by the Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as the "Tribunal") vide award dated 04.02.2016.

2. As per brief facts, the claimant appellant alleged that on 15.10.2014 at 10 A.M., the claimant was going to his house while driving his motorcycle bearing No.PB-65T-6982 and when he reached near the bus stop Village Swara, he was hit by a Fortuner car bearing No. PB-65-R-0050, which was being driven by respondent No.1-Ranbir Singh in a rash and negligent manner. The claimant suffered multiple injuries including head injury and fracture on left femur shaft. He was taken to GMCH, Sector-32, Chandigarh where he was referred to PGIMER, Chandigarh. An FIR No.145 dated 17.10.2014 was registered at Police Station Kharar, District SAS Nagar for offences punishable under Sections 279, 337, 338 and 427 of the

IPC. The claimant is still under treatment from PGI Hospital, Sector-12, Chandigarh as an outdoor patient.

2.1 The respondents did not appear despite service so they were proceeded against *ex parte*.

2.2 While appreciating the facts on record, the Tribunal awarded the following compensation, which reads as under:-

1.	<i>Medical Treatment</i>	19,164/-
2.	<i>Transportation Charges</i>	6000/-
3.	<i>Special Diet</i>	5000/-
4.	<i>Pain & Suffering & Loss of amenities of life</i>	2,00,000/-
5.	<i>Attendant Charges</i>	5000/-
6.	<i>Loss of Future earning Capacity</i>	17,77,860/-
	Total	20,13,024/-

3. Learned counsel for the appellant submitted that due to injuries suffered by the appellants, there is weakness on the right half of the body of the appellant. As per the medical evidence, he is unable to speak and there was 83% of the disability due to which the appellant is unable to perform even his day-to-day work; he requires future expenses for his medical treatment; and help of an attendant. The compensation on account of future medical expenses and medical attendant has not been awarded by the Tribunal. No compensation has been awarded even towards loss of amenities. The decision of the Hon'ble Apex Court in ***Raj Kumar Vs. Ajay Kumar and anr., 20 (A) SCC 343*** was relied upon.

4. I have considered the aforesaid submissions and perused the paperbook.

5. The Tribunal has considered the disability of the claimant as 83% on the basis of the assessment by the Medical Board of PGIMER, Chandigarh and treated the said disability as permanent. A sum of Rs.17,77,860/- has been awarded towards the loss of future income as per the following calculations:-

<i>Annual income before the accident 7000x12</i>	<i>Rs.84,000/-</i>
<i>Add 50% towards future prospects</i>	<i>Rs.42,000/-</i>
<i>Loss of future earning capacity 83% of actual income</i>	<i>Rs.,104,580/-</i>
<i>Multiplier with reference to age (which was 28 years on the date of accident)</i>	<i>17</i>
<i>Loss of future earning</i>	<i>Rs.17,77,860/-</i>

6. The claimant has not himself appeared in the witness box but his father Mohd. Ali has appeared as PW-1. The testimony of the father of the claimant is corroborated by the contents of the FIR, which has been registered against the respondent and the medical evidence.

7. To prove the injuries and the disability suffered by the claimant, the Tribunal has though considered the testimony of Dr. Manish Modi, Additional Professor-cum-Member of Disability Board, Department of Neurology, PGI, Chandigarh, however, the disability has been treated as 83% only. In this regard, the following reference has been made by the Tribunal regarding the testimony of the medical evidence:-

“15. PW-2 Dr. Manish Modi, Additional Professor cum Member of Disability Board, Department of Neurology, PGI, Chandigarh stated that Mohd. Arif son of Mohd. Ali suffered from shaft femur and was operated on 17.10.2014 GMCH, Sector-32, Chandigarh. Thereafter, the

patient suffered from weakness of right half of his body with inability to speak. For this complaint, the patient was investigated. The MRI showed infarct in left side of brain (left MCA infarct). Further investigation revealed that Aortic Dissection (posttraumatic) which led to blockage of one of the major arteries of the brain. This led to paralysis of his right half of the body and inability to speak and he is suffering from severe weakness. Due to above said ailment, his disability was assessed by Disability Board vide Certificate No.7229 dated 16.10.2015. This witness proved the disability certificate Ex.P32. He further deposed that patient was suffered permanent disability of 83% in relation to whole body. He further deposed that patient would not be able to move/do his daily chores work independently and he would required an attendant for whole day and he has to be on life long medicine due to the injuries suffered in the accident. As he is vegetable vendor, he cannot do his work again as he is unable to move around or speak. The patient is totally unfit for any kind of job in future. The average cost of his monthly expenditure and medication will approximately be Rs.1000/- per month throughout his life. Even for his hospital visit, he will require transportation and help of attendant." (emphasis supplied).

8. The Tribunal has not determined the functional disability of the appellant. The injured-appellant would be on medication for the rest of his life. He is unable to move around or speak. The claimant is totally unfit for doing any kind of job in future. It is not disputed that the claimant was a vegetable vendor; in view of such medical evidence, the functional disability is 100% and not 83% as determined by the Tribunal.

9. Consequently, the compensation for permanent disability is re-assessed as under:-

<i>Annual income before the accident 7000x12</i>	<i>Rs.84,000/-</i>
<i>Add 50% towards future prospects</i>	<i>Rs.42,000/-</i>
<i>Loss of future earning capacity 100% of actual income</i>	<i>Rs.1,26,000/-</i>
<i>Multiplier with reference to age (which was 28 years on the date of accident)</i>	<i>17</i>
<i>Loss of future earning</i>	<i>Rs.2,142,000/-</i>

10. The compensation towards the transportation charges, Special Diet and Attendant Charges have also been assessed on the lowside by the Tribunal. The said charges are re-assessed and the total compensation is reckoned as under:-

1.	<i>Medical Treatment</i>	<i>19,164/-</i>
2.	<i>Transportation Charges</i>	<i>60,000/-</i>
3.	<i>Special Diet</i>	<i>2,00,000/-</i>
4.	<i>Pain & Suffering & loss of amenities of life</i>	<i>2,00,000/-</i>
5.	<i>Attendant Charges</i> <i>(10 yrsX12=120</i> <i>120 X 5000= Rs. 6,00,000/-)</i>	<i>6,00,000/-</i>
6.	<i>Loss of future earning Capacity</i>	<i>2,142,000</i>
	<i>Total</i>	<i>32,21,164</i>

11. The amount in excess of the amount awarded by the Tribunal shall attract interest @ 7% per annum from the date of filing of the claim petition till the realization of the entire amount. However, the claimant-appellant shall not be entitled to any interest for the period of delay in filing the appeal.

12. In view of the above discussion, the present appeal is partly allowed *ex parte* and the award passed by the Tribunal is modified accordingly.

13. Pending miscellaneous applications, if any, shall stand disposed of.

12-09-2025
Sapna Goyal

(HARPREET KAUR JEEWAN)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO