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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3999-2016 (O&M)
Date of Decision : 19.11.2025

Hari Singh ... Appellant(s)

Versus

Sarvesh Kumar & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.K. Yadav, Advocate for the appellant.

Mr. J.P. Sharma, Advocate for respondent Nos.1 and 2.

Mr. Sanjeev Kodan, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellant challenging the impugned award dated 20.11.2015 passed by the Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal') whereby an amount of ₹6,30,200/- was awarded as compensation on account of the injuries received by the claimant-appellant in a motor vehicle accident which occurred on 17.05.2013.

2. Since the factum of the accident is not in dispute, the facts 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 expenses	₹28,500/-
2.	Loss of income	₹50,000/-

3.	Pain & Suffering	₹1,00,000/-
4.	Transportation, special diet, services of attendant etc.	₹50,000/-
5.	Permanent disability	₹1,40,000/-
6.	Expenditure on account of artificial limb	₹2,61,700/-
	Total	**₹6,30,200/-**
	Interest	**7.5%**

4. Learned counsel for the claimant-appellant would contend that the claimant-appellant was 50 years of age at the time of the accident and was earning ₹20,000/- per month by doing stitching work. Due to the accident, the claimant-appellant sustained multiple grievous injuries and he remained admitted in SMS Medical College and Hospital, Jaipur from 18.05.2013 to 29.05.2013. The claimant-appellant suffered a head injury with fracture of supracondylar femur of left leg and he was operated on 22.05.2013. Learned counsel would further contend that the claimant-appellant again remained admitted in the hospital from 18.06.2013 to 20.07.2013 and was operated upon twice i.e. on 05.07.2013 and 12.07.2013 and his left leg below knee was amputated. Learned counsel for the claimant-appellant would further contend that though the Tribunal has rightly taken the disability of the injured claimant-appellant @ 70% permanent in nature as per the Disability Certificate (Ex.PW7/A), however, the amount of compensation awarded by the Tribunal is on the lower side inasmuch as the Tribunal ought to have applied a multiplier method while assessing the monthly income as per the minimum wage which was ₹5,212/- per month. It is further the contention of the learned counsel that the amounts awarded under the head pain and suffering, attendant charges, special diet, artificial limb are also on the lower side and further no amount has been awarded towards loss of amenities of life.

Learned counsel has relied upon judgments of the Hon'ble Supreme Court in the case of **Pappu Deo Yadav vs. Naresh Kumar & Ors. [2020 (4) RCR (Civil) 404]** and that of the Delhi High Court in the case of **Reliance General Insurance Co. Ltd. vs. Rohit Kumar & Ors. [2017 (7) AD (Delhi) 602]**.

5. *Per contra*, 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. I have heard the learned counsel for the parties.

7. In the present case, the claimant-appellant was admittedly 50 years of age and as a result of the accident his left leg below the knee was amputated and his permanent disability was assessed as 70%, as per the Disability Certificate (Ex.PW7/A), which is not in dispute and hence the same is maintained. However, the Tribunal has not applied a multiplier method while assessing the loss of income. 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 by assessing the monthly income keeping in view the permanent disability of the claimant-appellant. The minimum wage applicable to an unskilled worker at the relevant point of time was ₹5,212/- per month, hence, the monthly income is assessed as ₹5,212/-. At the time of the accident, the claimant-appellant was admittedly 50 years of age and, hence, a multiplier of 13 would be applicable and an addition of 25% is also to be made towards loss of future prospects.

9. The Tribunal has awarded an amount of ₹2,61,700/- towards expenditure on account of artificial limb which, keeping in view the disability of the claimant-appellant and in the opinion of this Court, is on the lower side. 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, this Court deems it appropriate to enhance the said amount to ₹7,00,000/- towards costs of the artificial limb and future maintenance thereof. The artificial limb would need replacement as well as maintenance, hence, this Court deems it appropriate to increase the amount.

10. In the present case, the claimant-appellant remained admitted in SMS Medical College and Hospital, Jaipur from 18.05.2013 to 29.05.2013 and he was operated on 22.05.2013 and he again remained admitted in the hospital from 18.06.2013 to 20.07.2013 and was operated upon twice and his left leg below the knee was amputated. In view thereof, the amount of ₹1,00,000/- awarded by the Tribunal under the head pain and suffering is on the lower side and the same is enhanced to ₹2,00,000/-. The Tribunal has only awarded an amount of ₹50,000/- towards transportation, attendant charges and special diet, which is also on the lower side and, hence, keeping in view the

period of admission in the hospital, this Court deems it appropriate to enhance the same to ₹1,00,000/- and further award an amount of ₹2,50,000/- towards loss of amenities of life. The amount of ₹28,500/- 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	[₹5,212 x 12] = ₹62,544/-
2	Loss of annual Income @ 70% permanent disability	₹43,780/-
3	Future prospects @ 25%	[₹43,780 + 10,945] = ₹54,725/-
4	Multiplier of 13	[₹54,725 x 13] = ₹7,11,425/-
5	Pain and suffering	₹2,00,000/-
6	Transportation, attendant and special Diet	₹1,00,000/-
7	Loss of amenities of life	₹2,50,000/-
8	Costs of Artificial limb and its maintenance in future	₹7,00,000/-
9	Medical expenses as awarded by the Tribunal	₹28,500/-
	Total Compensation	**₹19,89,925/-**

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. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, 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.

19.11.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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