

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****238****FAO-3-2018(O&M)****Date of decision: 11.09.2025****Sonia****...Appellant(s)****Vs.****Bhupinder Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Vipul Sharma, Advocate
for the appellant.Mr. Sanjeev Kodan, Advocate
for respondent No.3.*********NIDHI GUPTA, J.**

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.5,90,000/- awarded by Motor Accident Claims Tribunal, SAS Nagar, Mohali (hereinafter 'the learned Tribunal') vide Award dated 17.07.2017 passed in MACT Case No.157 dated 01.10.2015.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the appellant had suffered injuries in a motor vehicular accident that took place on 09.03.2015 due to the rash and negligent driving of truck bearing registration No.HP-12A-8977 ("the offending vehicle") by



respondent No.1. The offending vehicle was owned by respondent No.2 and insured by respondent No.3. The compensation has been awarded along with interest @ 7% per annum. The respondents were held jointly and severally liable to pay the aforesaid compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that it is proven fact on record that the appellant is a Dentist and at the time of accident, she was working at Dr. Gupta's Smile Clinic. It is submitted that despite that, income of the appellant has been assessed as only Rs.8,000/- per month; whereas it was proved on record that the appellant was earning Rs.10,000/- per month. It is further submitted that the appellant was only 24 years old at the time of accident yet, future prospects have not been awarded to her. Moreover, in the accident in question, the appellant has suffered admitted permanent disability of 25% because of which, she will have problem in walking, running and in constant standing and cannot wear a belly and closed shoes due to the permanent injuries on her foot. Learned counsel contends that the job of a Dentist entails long standing hours as they work on their patients; and therefore, the appellant was entitled to loss of future income as well. It is further submitted that nothing has been awarded towards future treatment. It is contended that due to the grafting and K-wire procedure, further surgeries will be required to be performed upon the appellant. Moreover, the appellant has suffered disfigurement of her foot due to the accident because



of which loss of marriage prospects was payable to her. However, only Rs.10,000/- has been awarded under this head, which deserves to be enhanced. Learned counsel accordingly prays for modification of the impugned Award and enhancement of compensation.

4. Learned counsel for respondent No.3-Insurance Company opposes the submissions made on behalf of the appellant and submits that future prospects are payable in case of a labourer but not in case of a doctor. It is submitted that in the present case, the learned counsel for the appellant has been unable to make out any loss of earning capacity. Even there is no averment in this regard. Even it is not mentioned as to what extent; and there is no evidence to this effect. As such, no future prospects are payable to the appellant. Even the other submissions made on behalf of the appellant are denied. Learned counsel accordingly prays for dismissal of the present appeal.

5. No other argument is made on behalf of the parties.

6. I have heard learned counsel and perused the case file in great detail. After giving my thoughtful consideration to the rival submissions made on behalf of the parties, I find merit in the submissions made on behalf of the appellant.

7. A perusal of the record reveals that the appellant has completed her BDS and at the time of accident, was working as a Dentist with Dr. Gupta's Smile Clinic, from where she was earning Rs.10,000/- per month. The said income of the appellant is proved from the Certificate (Ex.P6) issued by Dr.



Gupta's Smile Clinic. Yet the learned Tribunal has taken her income as only Rs.8,000/- per month. I find the same to be deficient. Accordingly, in view of the evidence produced by the appellant and also in view of the fact that the appellant is a qualified BDS doctor, then even by conservative estimate, her income ought to be assessed as Rs.10,000/- per month.

8. In respect of future prospects, learned counsel for the parties have advanced rival submissions. However, in this regard, the issue stands settled by judgments of the Hon'ble Supreme Court in **"Syed Sadiq Etc. Vs. Divisional Manager, United India Ins. Co."** 2014 Legal Eagle 39, Civil Appeal Nos.662-664 of 2014 decided on 16.01.2014, Law Finder Doc ID # 515162; **"Vijay Kumar Rastogi Vs. U.P. State Road Transport Corporation"** 2018 ACJ 1029 CA Nos.11011-11012 of 2017 decided on 09.02.2018, Law Finder Doc ID # 971672; **Erudhaya Priya v. State Express Transport Corporation Ltd. (SC) : Law Finder Doc ID # 1733308**; and judgment of this Court in **Ms. Arti v. Sakun Ahmed @ Kaka, (Punjab and Haryana) : Law Finder Doc ID # 2145603**, wherein future prospects have been awarded even in injury cases. Given the fact that the appellant was 24 years old at the time of accident, future prospects are therefore added @ 40%.

9. It has next been contended by learned counsel for the appellant that as grafting and K-wire procedure was done on the appellant, future surgeries were required. However, perusal of record shows that no such procedure has been recommended even from evidence of PW2 Dr. Rakesh



Kumar. Admittedly, medical expenses were reimbursed to the appellant in terms of the bills submitted. Thus, keeping in mind the above-said factors, compensation payable to the appellant is re-assessed as follows:-

Head	Awarded by learned Tribunal	Claim in appeal	Re-assessed compensation
Income	Rs.8,000/-	Rs.10,000/-	Rs.10,000/-
Future prospects	-	Rs.4,000/- (40%)	Rs.4,000/- (40%)
Total income	Rs.8,000/-	Rs.14,000/-	Rs.14,000/-
Loss of income due to disability (25% disability)	Rs.8,000/- x 12 x 25% x 18 = Rs.4,32,000/-	Rs.14,000/- x 12 x 18 x 25% = Rs.7,56,000/-	Rs.14,000/- x 12 x 18 x 25% = Rs.7,56,000/-
Medical bills	Rs.1,28,066/-	Rs.1,28,066/-	Rs.1,28,066/-
Pain & suffering + attendant charges + special diet	Rs.10,000/-	Rs.2 lakh	Rs.1 lakh
Loss of marriage prospects	Rs.10,000/-	Rs.1 lakh	Rs.10,000/-
Total	Rs.5,90,000/-	Rs.11,84,066	Rs.9,94,000/-
Interest	7%	7%	7%

10. Present appeal accordingly stands **partly allowed** in above terms.
11. Pending application(s) if any also stand(s) disposed of.

11.09.2025
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No