



FAO-5455-2018(O&M)

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

FAO-5455-2018(O&M)

Date of decision: 11.12.2025

Malkiat Singh

..Appellant

Versus

Pawan Kumar Padda and another

..Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Sandeep Verma,, Advocate for the appellant

Mr. Saurav Rao, Advocate for
Mr. Amandeep Singh Manaise, Advocate for
respondent No.1

Mr.Harsh Aggarwal, Advocate for respondent No.2

MANDEEP PANNU, J.

1. This is claimant/injured's appeal against the award dated 16.02.2018 passed by the Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as 'Tribunal') with a prayer to modify the amount of compensation. The Tribunal has awarded compensation of Rs.4,86,886/- on account of injuries sustained by him in a vehicular accident, which took place on 19.03.2014. There is no dispute with regard to the correctness of the findings recorded by the Tribunal regarding injuries sustained by the claimant in the aforesaid vehicular due to rash and negligent driving by Driver of the offending vehicle i.e Maruti Zen Car bearing registration no. CH-03-Z-1062. Hence, the only issue is with regard to quantum of compensation.



2. Since the factum of the accident is not in dispute, therefore, for the sake of brevity, the facts, as recorded by the Tribunal, in the impugned award, are not being reproduced herein.
3. The compensation awarded by the Tribunal is tabulated as under:-

Sr. No.	Heads	Compensation awarded
1.	Monthly Income	6000/-
2.	Future prospects @ 10% 6000x10% = 600	6600 [6000+600=6600]
3.	Annual income 6600x12 =79,200/-	79,200/-
4.	Multiplier @ 11 79200x11= 8,71,200/-	8,71,200/-
5.	Loss of income on account of permanent disability @ 45% i.e 45% of 871200 = 3,92,040/-	3,92,040/-
6.	Medical expenses	74,846/-
7.	Pain & Suffering	10,000/-
8.	Future Medicines etc	10,000/-
	Total	Rs. 4,86,886/-

4. Learned counsel for the claimant-appellant submits that there is no dispute regarding assessment of functional disability, grant of future prospects and multiplier applied by the Tribunal, however, it has erred in assessing the income of the claimant. Furthermore, he submits that Tribunal has also failed to award any amount under Heads ‘Special Diet’, ‘Transportation Charges’ and award appropriate amount under Head ‘Pain & Suffering’
5. Per contra, learned counsel for respondent No.2 - Insurance Company has vehemently argued that sufficient amount



towards compensation has already been awarded by the Tribunal and there is no scope for enhancement.

6. Since no challenge has been laid down by the learned counsel for the appellants to the assessment of the functional disability, future prospects and multiplier as applied by the Tribunal, the same are accordingly maintained.

7. Now let us examine the income of the claimant/injured. The Tribunal has assessed his monthly income as Rs.6000/- as that of an unskilled labourer. He claims to be working as a tractor driver, engaged in ploughing and levelling fields on a contract basis, as well as transporting goods from one place to another. He states that he earns Rs.18,000 per month. Learned counsel for the appellant submits that claimant has placed on record his driving license and since he was working in unorganized sector, therefore, he cannot be expected to maintain proper record/contract documents in order to prove his monthly income. He submits that claimant's monthly income be assessed as that of a skilled labourer, which at the relevant time were Rs.8,124/- per month. On the contrary, learned counsel for the Insurance Company submits that claimant has rightly been assessed as unskilled labourer by the Tribunal and his income has to be assessed on the basis of minimum wages prevalent at the relevant time, which were Rs.6,500/- per month.

8. After hearing learned counsel for the parties, this Court holds that the claimant, being a tractor driver possessing driving licence, can be classified as a semi-skilled labourer and accordingly,



as per the prevalent minimum wages, his monthly income is assessed as Rs.7247.67 per month, (rounded off to Rs.7200/-). Furthermore, this Court enhances amount of Rs.10,000/- awarded under Head ‘pain & suffering’ to Rs.30,000/-. The claimant is also awarded Rs.10,000/- each towards special diet & transportation charges. Amount of Rs.10,000/-awarded towards future medicines/ treatment is enhanced to Rs.20,000/-.

9. Accordingly, the compensation is re-assessed as under :

Sr.No.	Heads	Compensation awarded
1.	Monthly Income	7200/-
2.	Future prospects @ 10% 10% of 7200 = 720	7920/- [7200+720]
3.	Annual income 7920x12 = 95,040/-	95,040/-
4.	Multiplier @ 11 95040 x 11 =10,45,440	10,45,440/-
5.	Loss of income on account of permanent disability @ 45% i.e 45% of 10,45,440 = 4,70,448/-	4,70,448/-
6.	Medical expenses	74,846/-
7.	Pain & Suffering	30,000/-
8.	Future Medicines etc	20,000/-
9.	Special Diet	10,000/-
10.	Transportation charges	10,000/-
	Total Compensation	Rs.6,15,294/-

10. The claimant-appellant shall be entitled to difference in amount of compensation alongwith interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realization. Rest of the award needs no modification.

11. Accordingly, the appeal stands partly allowed.



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12. All the pending miscellaneous applications, if any, are also disposed of.

(MANDEEP PANNU)
JUDGE

11.12.2025

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