



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

140-2

FAO-6811-2018**Date of decision : 11.11.2025****Surender Singh****..... Appellant**

versus

Bahadur Singh and others**..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

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

Mr. R.C. Kapoor, Advocate
for respondent No.4-Insurance Company.

PANKAJ JAIN, J. (Oral)

1. By way present appeal, the appellant seeks enhancement of compensation awarded by the Tribunal in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988.

2. Claimant is a 38 years old man, who suffered injuries in a motor vehicular accident dated 01.11.2013. He has been rendered permanently crippled. PW-2 Dr. R. Kumar, Neuro Surgeon deposed that the claimant was operated for right fronto temporal parietal acute SDH (subdural hematoma) with fracture of right radius-ulna head.

3. Dr. Pawan Kumar, who was member of the Medical Board that examined the claimant proved total permanent disability as 73.33%. Dr. Satish Bansal, Neuro Surgeon testified that the claimant is suffering from right hemicranicopmy with evacuation of SDH with LD left hemiparesis.



4. Keeping in view the injuries suffered by the claimant, he is unable to pursue his vocation. Thus, his functional disability is taken to be 100%.

5. The issue regarding compensation payable to the permanently disabled victims of motor vehicular accidents under pecuniary and non-pecuniary heads has repeatedly cropped up before Supreme Court of India ***Abhimanyu Partap Singh Vs. Namita Sekhon & another ACJ, 1995***, Supreme Court observed as under :-

“16. In view of the said legal position, the compensation can be assessed in pecuniary heads i.e. the loss of future earning, medical expenses including future medical expenses, attendant charges and also in the head of transportation including future transportation. In the non–pecuniary heads, the compensation can be computed for the mental and physical pain and sufferings present and in future, loss of amenities of life including loss of marital bliss, loss of expectancy in life, inconvenience, hardship, discomfort, disappointment, frustration, mental agony in life etc.”

6. In ***Sidram Vs. The Divisional Manager, United India Insurance Co., Ltd. & anr., 2023(1) RCR (Civil) 44*** Supreme Court considered the entire series of judgments and granted compensation for pecuniary and non-pecuniary expenses under the following heads :-

S.No.	Compensation
1.	Loss of earning due to disability
2.	Loss of earning for 6 months
3.	Medical expenses
4.	Future medical expenses
5.	Attendant Charges
6.	Litigation charges
7.	Loss of conveyance
8.	Pain and suffering
9.	Marriage prospects
10.	Loss of amenities



7. In *Kumari Laxmisree Vs. The Managing Director, Ksrctc Depot, Bengaluru* passed in Civil Appeal No.4493 of 2025 (Arising out of Slp(C) No.2695 of 2024 decided on 05.03.2025, Supreme Court dealt with the case of a house wife rendered 100% permanently disabled due to motor vehicular accident observing as under :-

- “13. For the purpose of attendant charges, it is not in dispute that the claimant-appellant suffered 100% permanent disability due to the accident. She would require lifelong support and an attendant to assist her in his daily activities. This Court in *Kajal v. Jagdish Chand*, (2020) 4 SCC 413 had observed that for determining the attendant charges, the requirement of the claimant must be taken into consideration.
14. In our view, in furtherance of the above-mentioned explosion of law, it would be just and fair to award a compensation of Rs.21,60,000/- (Rs. 10,000 x 12 x 18) to the claimant-appellant, towards the head of attendant charges.
15. As a result of the discussion above, the compensation payable to the claimant-appellant in accordance with the law is as follows :

CALCULATION OF COMPENSATION

Compensation Heads	Amount Awarded	In Accordance with
Monthly Income	Rs.10,000/-	Master Ayush v. the Branch Manager, Yearly Income Rs.1,20,000/- Reliance General Insurance Co. Ltd. & Anr. (2022) 7 SCC 738 Para 10
Yearly Income	Rs.1,20,000/-	
Future Prospects (40%)	Rs.1,20,000/- + 48,000/- = Rs.1,68,000/-	National Insurance Co. Ltd. v. Pranay Sethi (2017) 16 SCC 680 Para 42 and 59
Multiplier (18)	Rs.1,68,000/- x 18 = Rs. 30,24,000/-	
Permanent Disability (100%)	100% of 30,24,000/- = Rs.30,24,000/-	Arvind Kumar Mishra v. New India Insurance Co. Ltd., (2010) 10 SCC 254 Para 13 and 14
Loss of Income/Future Earnings due to Disability	Rs.30,24,000/-	
Attendant charges	10,000x12x18 = Rs.21,60,000	Kajal v. Jagdish Chand (2020) 4 SCC 413 Para 25, 28 & 29
Future Medical expenditure	Rs.5,00,000/-	



Marriage prospects	Rs.3,00,000/-	
Special Diet & Transportation	Rs.1,00,000/-	Sidram v. Divisional Manger Transportation, United India Insurance Ltd. (2023) 3 SCC 439 Para 89
Pain and suffering	Rs.10,00,000/-	K.S. Muralidhar v. R.Subbulakshmi and Anr. 2024 SCC Online SC 3385 Para 13 and 14
Loss of Income during treatment (for 28 Days)	Rs.10,000/-	-
Loss of Amenities	Rs.2,00,000/-	Mohd. Sabeer alias Shabir Hussain v. Regional Manager, U.P. State Road Transport Corporation, (2022) SCC Online SC 1701 Para 23 and 26
Artificial Limb	Rs.26,58,420/-	
Total	Rs.99,52,420/-	

8. Keeping in view the aforesaid precedents, the compensation payable to the appellant is re-worked as under:-:-

Injured	SURENDER SINGH
Date of Accident	01.11.2013
Age	39 years
Permanent Disability	100% qua body (Proved)
Annual Income	Rs.72,000/-
Future prospects (40%)	Rs.28,800/-
A. Loss of Income due to disability (72,000+28800 = Rs.1,00,800) x 15	Rs.1,00,800 x 15 = Rs.15,12,000/-
B. Loss of Amenities of life	Rs.5,00,000/-
C. Pain and suffering	Rs.5,00,000/-
D. Special Diet	Rs.2,00,000/-
E. Attendant Charges	Rs.3,000 x 12 = 36,000/- x 13 = Rs.4,68,000/-
F. Transportation charges	Rs.1,00,000
G. Future Medical expenditure	Rs.5,00,000/-
TOTAL	Rs.37,80,000/-



9. Claimant shall also be entitled for interest @7 p.a. on the enhanced amount from the date of filing of the petition before MACT till the date of actual realization.
10. With the aforesaid modification in the impugned award, the appeal stands disposed off.

(PANKAJ JAIN)
JUDGE

11.11.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No