



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

FAO-7171-2017 (O&M)
Date of Decision: March 04, 2025

Ranbir Singh

...Appellant

VERSUS

Ramphal and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Narender Kaajla, Advocate
for the appellant.

Service of respondent No.1 dispensed with.

Mr.Ravinder Arora, Advocate
for respondent No.2.

ARCHANA PURI, J.

The present appeal has been filed by the appellant-claimant, thereby, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, on account of injuries sustained by him, in a motor vehicular accident.

Suffice to consider that the accident had taken place on 30.08.2015. On appraisal of the evidence, brought on record, it was concluded by learned Tribunal that the accident was caused, on account of rash and negligent driving of car bearing registration No.HR-18A-7151, driven by respondent No.1-Ramphal and the car was duly insured with respondent No.2-insurance company, at the relevant time.



Also, from the record, it is evident that claimant was 47 years old, at the relevant time and was working as EASI, in CIA Staff. The disability certificate coming on record is Ex.P26. The bills of the medical expenditure incurred on the treatment are Ex.P1, Ex.P2 to Ex.P18 and total amount thereof, awarded by learned Tribunal was Rs.1,52,426/-. Besides the same, an amount of Rs.5,000/- was awarded, on the count of 'transportation'. Rs.8000/- was awarded towards 'diet and nutrition' and another amount of Rs.15,000/- was granted, on the count of 'loss of income', during the period of hospitalization of ten days. On account of disability, the amount granted was Rs.15,000/- and for 'pain and suffering', an amount of Rs.8000/- was granted. In total, the compensation was worked upon as Rs.2,03,426/-.

The 'work on' of the aforesaid compensation, do call for re-determination.

Before proceeding further, it is pertinent to mention that consistently, the Courts have held that compensation awarded, has to be '**just**' compensation, which is adequate compensation and the Award must be just that-'**no less and no more**'. The Courts ought to make a genuine attempt to help restore the self-dignity of such claimant, who had sustained injuries, by awarding '**just compensation**'.

The impact of the injury, relating to the source to earnings of the claimant, ought to be taken into consideration.

The test for determining the effect of permanent disability, on future earning capacity involves three steps, as was laid down in ***Raj Kumar Vs. Ajay Kumar and Anr., 2011 (1) SCC 343*** and reiterated in ***Chanappa Nagappa Muchalagoda vs. Divisional Manager, New India Insurance***



Company Limited, 2020 (1) SCC 796, which are as herein given:-

“13. Ascertainment of the effect of the permanent disability on the actual earning capacity involves three steps. The Tribunal has to first ascertain what activities the claimant could carry on in spite of the permanent disability and what he could not do as a result of the permanent disability (this is also relevant for awarding compensation under the head of loss of amenities of life). The second step is to ascertain his avocation, profession and nature of work before the accident, as also his age. The third step is to find out whether (i) the claimant is totally disabled from earning any kind of livelihood, or (ii) whether in spite of the permanent disability, the claimant could still effectively carry on the activities and functions, which he was earlier carrying on, or (iii) whether he was prevented or restricted from discharging his previous activities and functions, but could carry on some other or lesser scale of activities and functions, so that he continues to earn or can continue to earn his livelihood.”

From the documents, brought on record, it is evident that the appellant-claimant remained admitted in Sapra Multispeciality Hospital for the period from 30.08.2015 to 09.09.2015. It was a case of ‘*LT side with# pelvis LT side Acetabulum with LT hip dislocation*’. Besides the claimant, Dr.Swati Arora, Medical Officer, Sapra Hospital, has been examined, who has deposed about admission of the claimant in their hospital on 30.08.2015 as a road side accident case with soft tissue injury forehead, fracture pelvis and left hip dislocation. She also deposed that claimant was operated upon on 31.08.2015 and 04.09.2015. The claimant was discharged on 09.09.2015. She proved the bills of medicines and the investigation. The final bill of the hospital is Ex.P1 and bills of medicines and investigations are Ex.P2 to Ex.P18 and bed head ticket is Ex.P19.

So far as, the medical expenditure is concerned, learned Tribunal had appropriately granted an amount **Rs.1,52,426/-**.

Indisputably, the claimant was working as EASI in CIA Staff,



Haryana. That being so, he continued to work in the job. As such, there was no such financial loss. But anyhow, there is bound to be no growth in his career, as he would have been deprived of the top ranks, on account of the disability suffered. This fact, ought to be taken into consideration.

So far as, the disability is concerned, the claimant had simply tendered into evidence, the disability certificate, but no doctor, as such, has been examined. Anyhow, the disability is stated to be 15%, with regard to difficulty in sitting, climbing stairs as well as pain and limping while walking.

Considering the same, the body functionality is definitely there and due to lack of evidence, coming on record, with regard to the extent of earnings, as such, on the count of 'disability', which is going to have its own impact upon the job growth also, an amount of **Rs.1,00,000/-** is granted.

During the period of hospitalization and some time thereafter, the claimant must have spent some amount on transportation. An amount of Rs.5,000/- granted by learned Tribunal, on the count of 'transportation', is on lesser side and as such, the same stands enhanced to **Rs.20,000/-**.

Though, no compensation was granted, on the count of 'attendant charges', but however, it is pertinent to mention that looking at the kind of injuries sustained by the appellant-claimant, he must have required constant help, to lead 'assisted living', for some period of time. Considering the same, even though, he must have been looked after by his family members, but it is quite obvious that his family members ought to have taken care by diverting their own time, from any form of gainful employment, which could have generated some income. Considering the same, on the count of



‘attendant charges’ an amount of **Rs.20,000/-** is granted.

The appellant-claimant, on account of the injuries sustained, must have passed through a very traumatic state of mind. Considering the same, on the count of ‘pain and suffering’, the compensation of Rs.8,000/- awarded by learned Tribunal, now stands enhanced to **Rs.40,000/-**.

Obviously, during the period of treatment and some time thereafter, the appellant-claimant must have been put on special rich diet, for the healing process. On this count also, the compensation is enhanced to **Rs.20,000/-** from Rs.8,000/-.

Also, it is submitted by learned counsel for the appellant-claimant that the claimant was on leave for seven months and ten days and reliance is also made to the various medical certificates issued by Dr.Vikas Sapra, thereby, advising complete bed rest, on monthly basis, which spread over seven months. However, the doctor concerned, has not been examined. Even, the service record of the claimant, has not been proved on record.

In the given circumstances, it cannot be ascertained definitely, about the extent of period, for which, the claimant remained on leave. But anyhow, considering the fracture of pelvis being there, in the modest estimate, considering the nature of the injuries, at least for a period three months, the claimant must have remained on leave. Had the claimant not met with the accident, he would have used his leave for some good purpose and with the passage of time, it would have become more valuable. Considering the same, on the count of loss of leave period, compensation to the extent of Rs.1,00,000/- is granted.

Thus, on various counts, as detailed aforesaid, the compensation



to be granted to appellant-claimant Ranbir Singh, is re-computed, as herein given:-

1.	Medical expenses	Rs.1,52,426/-
2.	Disability	Rs.1,00,000/-
3.	Transportation charges	Rs.20,000/-
4.	Attendant charges	Rs.20,000/-
5.	Pain and suffering	Rs.40,000/-
6.	Special diet	Rs.20,000/-
7.	Loss of leave period	Rs.1,00,000/-
	Total	Rs.4,52,426/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.4,52,426-2,03,426=Rs.2,49,000/-**. On the enhanced amount of compensation, i.e. **Rs.2,49,000/-**, the appellant-claimant shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation.

Accordingly, the impugned Award dated 07.04.2017 stands modified, to the extent, as indicated aforesaid. All the remaining terms, as ordered by learned Tribunal, shall remain the same.

In view of the aforesaid observations, the present appeal stands allowed.

March 04, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No