



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

207

FAO-1490-2003

Date of decision :30.01.2026

SUSHIL KUMAR

...APPELLANT

VERSUS

RAMESH KUMAR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Ms. Kajal, Advocate for
Mr. S.N. Pillania, Advocate
for the appellant.

Mr. Abhinav Mahant, Asst. A.G., Haryana.

PARMOD GOYAL, J. (ORAL)

The present appeal has been preferred by appellant-claimant being aggrieved by grant of compensation of Rs.1,25,000/- on account of injuries suffered by him in accident dated 24.06.2000 due to rash and negligent driving of bus bearing registration No.HR-46A/1240, vide impugned award dated 04.02.2003, passed by learned Motor Accident Claims Tribunal, Jind (hereinafter referred to as '**Tribunal**').

2. Learned counsel for the appellant-claimant is aggrieved by the compensation awarded and has submitted that the Tribunal has erred in not taking into consideration the permanent disability suffered by appellant-claimant. It is further submitted that the Tribunal has not considered income of appellant/claimant and had failed to take in consideration loss of future prospects and has not applied appropriate multiplier to determine loss of earning capacity. Compensation under other heads has not been assessed as per

entitlement of injured appellant. Accordingly, the appellant-claimant has prayed for enhancement of compensation awarded by the Tribunal.

3. Learned Tribunal has granted following compensation:-

Compensation on account of mental shock, pain and sufferings.	Rs.10,000/-
Compensation on account of medical expenses.	Rs.40,000/-
Compensation on account of special diet.	Rs.5,000/-
Compensation on account of loss of studies, impairment of life on account of 30% permanent disability.	Rs.70,000/-
Total compensation	Rs.1,25,000/-

4. In the present case, it is an admitted fact that the injured-appellant-claimant was 17 years old at the time of the accident and claimed that he was a student of B.A 1st year and working as an agriculturist. He suffered permanent disability to the extent of 30% as per disability certificate Ex P2. He had suffered compound fracture of both bones. Therefore, an assessment of loss of earning capacity is both necessary and justified in the facts of the present case.

5. PW-2-Dr. Dhan Kumar had duly stated that injured-claimant had suffered permanent disability to the extent of 30%. He had also stated that injured-claimant had suffered multiple injuries due to the accident.

6. Learned counsel for appellant-claimant has argued that learned Tribunal has failed to consider evidence of appellant-claimant in right perspective and has not taken into consideration statement of PW-2, wherein doctor had clearly stated that the appellant-claimant had suffered permanent

7. Appellant/claimant was aged 17 years and had claimed that he was a student of B.A 1st year and working as an agriculturist earning Rs.5,000/- per month. However, except for oral assertions no evidence/material is available to conclude pleaded income to be income of appellant. In such circumstances, it would be appropriate to consider him unskilled worker being student and his income be taken equivalent to minimum wages payable to unskilled worker prevalent at the time of accident. Therefore, his income is taken as per the minimum wages payable to unskilled worker i.e. Rs.2,050/- prevalent at the time of accident. Functional disability is assessed as 30%, keeping in view, nature of injuries and vocation of appellant as well as restricted opportunities of employment on account of 30% permanent disability. Injured being 17 years old entitled to multiplier of '18'. Future prospects to the extent of 40% needs to be taken in consideration for calculating loss of earning capacity in view of age of appellant/claimant. Accordingly, appellant-claimant is entitled to Rs.1,85,976/- (Rs. 861x12 x18) as loss of earning capacity. Appellant-claimant shall also be entitled to loss of income during treatment for at least 4 months in view of nature of injuries. Appellant-claimant shall be entitled to Rs.8,200/-(2,050x4) for loss of income during treatment. Appellant-claimant shall also be entitled to compensation of Rs.5,000/- each towards transportation and attendant charges. Compensation towards pain and sufferings is also enhanced to Rs.15,000/- instead of Rs.10,000/-. The amount granted by the Learned Tribunal to the appellant-claimant under other heads is upheld. No compensation is payable for future medical expenses in absence of any material in this regard.

8. The reworked compensation payable to appellant-claimant is as

Income	Rs.2,050/- per month (as per minimum wages payable to unskilled worker)	Rs.2,050/-per month
Future prospects	40% (2050+820)	Rs.2,870/-
Functional disability	30% of 2,870/-	Rs.861/-
Multiplier	18	18
Loss of earning capacity on account of permanent disability	Rs.861x18x12	Rs. 1,85,976/-
Loss of income during treatment	Rs.2,050 x 4	Rs.8,200/-
Attendant charges		Rs.5,000/-
Transportation charges	Rs.5,000/- (as awarded by Tribunal)	Rs.5,000/-
Mental shock, Pain and sufferings	Rs.10,000/-(as awarded by Tribunal)	Rs.15,000/-
Medical Expenses	Rs.40,000/-(as awarded by Tribunal)	Rs.40,000/-
Special diet	Rs. 5,000/- (as awarded by Tribunal)	Rs. 5,000/-
Loss of studies, impairment of life (i.e. loss of future amenities and future prospects) on account of 30% permanent disability	Rs.70,000/- (as awarded by Tribunal)	Rs.70,000/-
Compensation awarded in appeal.		Rs.3,34,176/-
Compensation awarded by Tribunal	Rs.1,25,000/-	
Enhanced compensation	Rs/- 3,34,176 (awarded in appeal) – Rs.1,25,000/- (awarded by Tribunal)	Rs.2,09,176

9. Appellant-claimant shall be entitled to enhanced compensation along with interest of 7.5% per annum from the date of filing of claim petition till its realization. Apportionment of compensation and liability to satisfy the award shall remain the same as determined by the learned Tribunal.

- 10. Present appeal is accordingly allowed in above terms.
- 11. Pending application(s), if any, stand disposed of.

30.01.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No