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

FAO-4138-2002
Date of Decision: 01.07.2026

CHANDER SINGH
.... Appellant

VERSUS

ANUJ ARORA AND OTHERS
.....Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Anil Shukla, Advocate
for the appellant.

Mr. Ravinder Arora, Advocate
for respondent No.3-United India Insurance Co. Ltd.

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YASHVIR SINGH RATHOR, J. (Oral)

1. The record of the present case was destroyed in a fire incident in the High Court Registry. Learned counsel for the appellant/claimant has placed on record copies of the grounds of appeal, memo of parties, copy of Award passed by MACT, Faridabad and claim petition filed before the Tribunal, which are taken on record. Registry is directed to tag the same at an appropriate place on the record.

2. This appeal has been instituted against the Award dated 19.03.2002 passed by Motor Accident Claim Tribunal, Faridabad (**for short "Tribunal"**) for enhancement of compensation awarded in MVA Case No.18 of 2000 in a petition under Section 166 of Motor Vehicles

Act, 1988 vide which a sum of Rs.35,000/- has been awarded as compensation to the claimant/appellant along with interest 9% per annum on account of injuries suffered by him in a motor vehicular accident which took place on 11.01.2000, due to rash and negligent driving by respondent No.1, while driving offending vehicle bearing No.HR-29H-6939 **(for short 'offending vehicle')**, owned by respondent No.2, which was insured with respondent No.3.

3. From the pleadings of parties, following issues were framed by the learned Tribunal:-

> *"1) Whether the accident on 11.01.2000 at about 8.30 p.m. in front of Vijay Metal Works, Faridabad took place due to rash and negligent driving of scooter No.HR-29H-6939 by the respondent No.1? OPP.*
>
> *2) If issue No.1 is proved, whether the petitioner is entitled to compensation, if so to what amount and from whom? OPP.*
>
> *3) Relief."*
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> *On 08.05.2001 the following Addl. Issue was also framed:*
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> *2A. Whether the respondent no.1 was not having a valid and effective driving licence at the time of accident and as such the respondent no.3 is not liable to pay any compensation? OPR3.*

4. Thereafter, the parties led evidence in support of their case.

5. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.35,000/- as compensation to the claimant, on account of injuries suffered by him along with interest

@ 9% per annum from the date of filing of claim petition till realization, payable by respondents No.1 to 3 jointly and severally.

6. Feeling aggrieved, the appeal in hand has been preferred. The material on file has been perused and parties have been heard.

7. The only issue required to be determined in the present appeal relates to the assessment of compensation. Therefore, the entire facts regarding the manner of the accident are not required to be reproduced in detail, as the Tribunal has already held under Issue No.1 that the accident had occurred due to the rash and negligent driving on the part of respondent No.1, while driving offending vehicle bearing No.HR-29H-6939, which was owned by respondent No.2 and insured with respondent No.3. No appeal or cross-objections have been filed by the respondents, challenging the said finding and accordingly, finding on issue No.1 is not required to be interfered with and the same is affirmed.

8. Learned counsel for the appellant argued that the Tribunal has not appreciated the facts of the case and evidence on file in the correct perspective while assessing the compensation which is grossly inadequate. The claimant had suffered 18% permanent disability and he has been awarded a total compensation of Rs.35,000/- for medical expenses, treatment, pain and suffering, permanent disability and loss of income. Learned counsel further argued that adequate compensation has not been awarded under pecuniary and non-pecuniary heads and same is liable to be enhanced. In support of his contentions, learned counsel for the appellant has relied upon 2014 (1) RCR (Civil) 914 **Sanjay Verma**

Vs. Haryana Roadways, 2009(6) SCC 121 **Sarla Verma and others Vs. Delhi Transport Corporation and Another** and 2017 (16) SCC 680 **National Insurance Co. Ltd Vs. Pranay Sethi and Others**.

9. On the other hand, learned counsel for respondent No.3 argued that the award in question is well reasoned and justified. The material on file has been appreciated in the correct perspective while assessing the compensation and no interference in the same is thus called for.

10. As per version of claimant, he had suffered grievous injuries in the accident in question. He was initially treated at B.K. Hospital, Faridabad and in Escorts Hospital and thereafter, he was shifted to ESI Hospital, where a rod was inserted in his right leg. He remained admitted in the hospital for 30 days and thereafter, he remained hospitalized for another 20 days. Admission slip of ESI Hospital Ex.P-2, X-ray report Ex.P-3 and OPD Card Ex.P-4 were led in evidence and Tribunal after going through the same held that claimant has suffered grievous injuries and awarded him a sum of Rs.12,000/- on account of expenses incurred on treatment, medicines, pain and sufferings etc. Besides this, as per disability certificate Ex.P1, he had suffered 18% disability and a sum of Rs.18,000/- was awarded on account of permanent disability suffered by him and Rs.5,000/- for loss of income during the period of treatment. In all, a sum of Rs.35,000/- has been awarded as compensation.

11. However, the compensation awarded by the Tribunal is grossly inadequate and the same requires reassessment. The accident had

taken place on 11.01.2000 and the claimant had suffered grievous injuries and he was operated upon and an implant was inserted. It is a matter of common knowledge that pain component in such injuries is enormous and such injuries take a long time to heal. It must have taken at least three months for the injuries to heal and taking into consideration the severity of injuries, claimant is held entitled to a sum of **Rs.20,000/-** on account of **'pain and sufferings'**.

12. As per disability certificate Ex.P1, claimant had suffered 18% permanent disability but Tribunal has awarded him only a sum of Rs.18,000/-, which is not in consonance with law. The claimant was a Watchman or labourer and he would have difficulty in walking, running and sitting and will not be able to lift any weight. As such, on account of permanent disability to the extent of 18% suffered by the claimant, it will certainly diminish his earning capabilities and the avocation or profession he will pursue. The compensation under the head 'loss of income' thus has to be assessed keeping in view the percentage by which his earning capability has been diminished and by applying a suitable multiplier in view of law laid down by Hon'ble Supreme Court in 2010(4) PLR 242 **Yadava Kumar Vs. The Divisional Manager, National Insurance Company Limited**.

13. Hon'ble Supreme Court in 2013 (3) RCR (Civil) 934 - **G.Ravindranath @ R. Chowdary Vs. E. Srinivas and another**, has held that in a case of accident resulting in injuries to the victim, the compensation in personal injury cases should be determined under the

following heads:-

Pecuniary damages (Special damages)

(i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing expenditure. food and miscellaneous

(ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:

(a) Loss of earning during the period of treatment;

(b) Loss of future earnings on account of permanent disability

(iii) Future medical expenses.

Non-pecuniary damages (General damages)

(iv) Damages for pain, suffering and trauma as a consequence of the injuries.

(v) Loss of amenities (and/or loss of prospects of marriage).

(vi) Loss of expectation of life (shortening of normal longevity).

In routine personal injury cases, compensation will be awarded under heads (i), (ii) (a) and (iv) It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant that compensation will be granted under any of the heads (ii) (b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life.

14. As per version of claimant, he was working as a Watchman with M/s Vijay Metals and was drawing salary of Rs.3,000/- per month.

However, no material was produced to prove the monthly income and Tribunal while considering him to be a daily wager assessed his income to be Rs.1,600/- per month. However, the accident had taken place on 11.01.2000 and claimant was a watchman by profession and as such, some amount of guesswork thus has to be applied while assessing his monthly income and taking into consideration the minimum wages prevalent during those days, the monthly income of the claimant is taken as Rs.2,000/- per month.

15. Claimant was 45 years of age on the date of accident. Accordingly, 25% of amount has to be added to his monthly income towards future prospects in view of law laid down in **Sanjay Verma's case (supra)** and **Pranay Sethi's case (supra)** and after adding the same, his monthly income comes out to **Rs.2,500/- per month (Rs.2,000/- + Rs.500/-)**.

16. Claimant has suffered permanent disability to the extent of 18% and the monthly loss of income will thus come to **Rs.450/- (Rs.2,500/- X 18%)** and '**annual loss of income**' will come out to **Rs.5,400/- per annum (i.e. Rs.450/- X 12)**.

17. As per the claim petition, claimant was 45 years of age and in view of law laid down in **Pranay Sethi's case (supra)** and **Sarla Verma's case (supra),** the multiplier of 14 has to be applied which takes the compensation to **Rs.75,600/- (Rs.5,400/- X 14)** on account of '**loss of income**' due to permanent disability.

18. It must have taken at least three months for the injuries to heal and during this period, claimant would not have been able to do any job and must have suffered loss of income and he is entitled to a sum of **Rs.6,000/-** on account of '**loss of income during the period of treatment'**

19. During this period, he must have spent some amount on transportation, special diet and in engaging an attendant and he is accordingly held entitled to a sum of **Rs.10,000/-** under these heads.

20. Resultantly, the compensation to be awarded by this Court is assessed as under:-

Sr. No.	Head	This Court (₹)
1.	Loss of future income/ permanent disability	Rs.75,600/-
2.	Pain & suffering	Rs.20,000/-
3.	Transportation, special diet and attendant charges	Rs.10,000/-
4.	Loss of income (treatment)	Rs.6,000/-
	Total	**Rs.1,11,600/-**
	Interest	**9%**

21. As a result of afore-said discussion, the present appeal is partly allowed with costs and the claimant is held entitled to enhanced compensation of **Rs.76,600/- (Rs.1,11,600/- - Rs.35,000/-) (rounded off to Rs.77,000/-)** over and above the compensation awarded by Tribunal, payable by respondents No.1 to 3, jointly and severally, along with

interest @ 9% per annum, from the date of filing of claim petition i.e. 09.03.2000, till realization.

22. Registry is directed to email the authenticated copy of the award to the respondent Insurance Company in terms of directions issued by the Hon'ble Supreme Court in Writ Petition (Civil) No.534 of 2020 titled "**Bajaj Allianz General Insurance Company Versus Union of India and others",** decided on 16.03.2021 and Insurance Company shall comply with the directions as issued under Clause (F) of the said judgment.

23. Pending miscellaneous application(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

01.07.2026
Priyanka Thakur

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