

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

FAO-1984-2003 (O&M)
Date of decision: 27.04.2026**Gaje Singh**

. . . . Appellant

Vs.**Raj Singh @ Golia and others**

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. P.K. Chug, Advocate, for
Mr. V.P. Singh, Advocate, for the appellant.Mr. R.C. Gupta, Advocate,
for respondent No.3-Insurance Company.

DEEPAK GUPTA, J.

This appeal has been preferred by the injured-claimant seeking modification of the award dated 02.01.2003 passed by the learned Motor Accident Claims Tribunal, Bhiwani, to the limited extent of enhancement of compensation.

2. The facts, in brief, are that the appellant sustained injuries in a motor vehicular accident which occurred on 09.09.1999 on account of rash and negligent driving of jeep bearing registration No. HR-19-7255. The learned Tribunal, upon appreciation of the evidence, returned a finding that the accident was caused due to the negligence of the driver of the offending vehicle. The said finding has attained finality and is not under challenge in the present appeal.

3. While assessing compensation, the Tribunal awarded a sum of ₹75,000/- to the appellant under various heads and held the respondents jointly and severally liable to pay the said amount along with interest. The Insurance Company was directed to satisfy the award in the first instance, with liberty to recover the same from the driver and owner of the offending vehicle.

4. Learned counsel for the appellant has contended that the Tribunal has erred in not awarding any amount towards permanent disability, despite the fact that a disability certificate (mark 'A') indicating 15% permanent disability was

placed on record. It is argued that even though the members of the medical board were not examined, the Tribunal ought to have considered the said certificate, especially keeping in view that proceedings before the Claims Tribunal are summary in nature and strict rules of evidence are not required to be followed.

5. Per contra, learned counsel for the Insurance Company submits that the compensation awarded by the Tribunal is just and reasonable. However, it is fairly conceded that in case the disability certificate is taken into consideration, a marginal enhancement may be permissible.

6. Having heard learned counsel for the parties and perused the record, this Court finds that the Tribunal has awarded compensation of ₹50,000/- towards pain and suffering, ₹20,000/- towards medical and incidental expenses, and ₹5,000/- towards loss of earnings during the period of treatment. Considering the nature of injuries, which included a fracture of the right knee necessitating two surgical interventions, the compensation awarded under these heads appears to be just and reasonable and does not call for interference.

7. The only issue that arises for consideration is with regard to compensation on account of permanent disability.

8. It is not in dispute that the appellant had placed on record a disability certificate indicating 15% permanent disability. Although the said certificate has not been formally proved in accordance with the strict rules of evidence, it is equally well settled that proceedings before the Motor Accident Claims Tribunal are summary in nature and the Tribunal/Court is required to adopt a pragmatic approach in assessing the amount of just compensation. The object of the legislation being beneficial, a hyper-technical approach in appreciating evidence is to be eschewed.

9. At the same time, it must be noted that there is no evidence on record to establish the functional impact of the said disability on the earning capacity of the appellant. In the absence of such evidence, it would not be appropriate to compute loss of future earnings by applying the multiplier method.

10. However, the fact remains that the appellant has suffered a permanent physical disability, which would inevitably have some bearing on his

day-to-day activities and overall quality of life. Therefore, he is entitled to reasonable compensation under the head of permanent disability.

11. Having regard to the nature of injuries, the extent of disability, and the absence of evidence regarding loss of earning capacity, this Court deems it appropriate to award a lump sum amount of ₹50,000/- towards permanent disability.

12. Accordingly, the appeal is partly allowed and the appellant is held entitled to an additional sum of ₹50,000/- over and above the compensation awarded by the Tribunal.

13. The enhanced compensation shall be paid by the Insurance Company in the first instance along with interest @ 7.5% per annum from the date of filing of the claim petition till its realization. However, the Insurance Company shall have the right to recover the said amount from the driver and owner of the offending vehicle, in terms of the award passed by the Tribunal. The appeal stands disposed of in the above terms.

27.04.2026

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>