

2026:PHHC:053660



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

**FAO-1072-2003 with  
XOBJC-49-CII-2003**

**Judgment reserved on :17.03.2026**

**Judgment pronounced on 07.04.2026**

**KARAM SINGH**

**... APPELLANT**

**VERSUS**

**PRABH DAYAL AND ORS.**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Ravinder Arora, Advocate  
for the appellant.

Mr. Amit Sheoran, Advocate for  
Mr. Kulvir, Advocate  
for respondent No. 1.

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**PARMOD GOYAL, J.**

1. The present appeal has been filed by appellant-claimant being aggrieved by the award dated 07.08.2002 passed by Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as 'Tribunal'), whereby appellant-claimant was awarded total compensation of Rs. 25,000/- on account of injuries suffered by him in an accident dated 20.09.1999 caused by respondent No. 1 while driving a tractor bearing registration No. PB-23-B-1141. Respondent No. 1 has also filed cross-objections challenging the said award of Rs. 25,000/- in favour of the appellant-claimant.

2. In the present case, the only issue required to be determined by the learned Tribunal was whether an accident had taken place between the Maruti

car (in which the injured was travelling) and the tractor bearing No. PB-23-B-1141 being driven by respondent No. 1.

3. It is evident from the impugned award that despite service, the sole respondent, i.e., respondent No. 1-the driver of the tractor, chose not to appear and contest the claim petition. He was proceeded against *ex parte*. The appellant-claimant appeared as PW-1 duly reiterated the manner of the accident as stated in the claim petition. Thus, it stands established that the appellant-claimant suffered injuries on account of accident that occurred on 20.09.1999 at about 4:00 p.m. involving Maruti car bearing registration No. HR-07-C-0672 and tractor bearing No. PB-23-B-1141.

4. The appellant-claimant asserted that on account of accident, he was admitted in Fatehgarh Sahib Hospital and thereafter shifted to Sector 32, Medical College, Chandigarh where he remained admitted from 21.09.1999 to 08.10.1999. Appellant-claimant further asserted that due to the accident, he had sustained serious injuries, including a compound Grade II-C fracture of the shaft of the right femur with bone loss, as well as a fracture of the right patella.

5. Accordingly, it is held that the appellant-claimant had suffered grievous injuries. Therefore, appellant-claimant is entitled to Rs.5,000/- towards pain and sufferings and Rs. 15,000/- towards medical expenses as per second schedule as petition was filed under Section 163-A of Motor Vehicle Act. Although the appellant-claimant has proved medical expenses amounting to Rs.17,212/- approximately, however, in view of the limitations prescribed under the Second Schedule of Section 163-A of the Motor Vehicles Act, 1988 compensation under this head can be awarded only to the extent of Rs.15,000/.

6. The appellant-claimant, while appearing as PW-1, also placed on

record treatment documents Ex. P-1 to Ex. P-61 i.e. hospital bills, medicine bills, X-ray fees and other investigation records. The appellant-claimant further produced Ex. P-7 disability certificate indicating that that injured had suffered disability to the extent of 25%. However, unfortunately, the present case appears to be a “burnt case,” and the nature of disability has not been discussed by the learned Tribunal in the impugned award. Learned counsel for the parties have expressed their inability to produce a copy of Ex. P-7 for perusal of this Court.

7. In these circumstances and in the absence of any material regarding the nature of injuries, the functional disability for the purpose of determining permanent disability can reasonably be assessed at 10%, though the appellant-claimant has proved physical disability to the extent of 25%. Since there is no material to conclude whether disability suffered by injured pertains to the whole body or any particular limb. Therefore, in the absence of any other supporting evidence, the functional disability is conservatively taken at 10%.

8. Appellant-claimant was stated to be aged 24 years at the time of the accident, therefore, multiplier of ‘17’ would be applicable to determine loss of income of injured-appellant-claimant as per second schedule. As no documentary evidence has been placed on record to prove the income of appellant-claimant, he is treated as an unskilled worker earning minimum wages. Since the accident occurred in the year 1999, his income is assessed at Rs.1,800/- per month in terms of the minimum wages at the time of accident.

9. The functional disability of the appellant-claimant is assessed at 10%. Accordingly, the monthly loss of income suffered by the appellant-claimant comes to Rs.180/-. After adding 40% towards future prospects, the monthly loss of income is assessed as Rs. Rs. 252/- (180 + 72).

10. Reworked compensation payable to appellant-claimant is as under:

|                                  |                                                                       |                       |
|----------------------------------|-----------------------------------------------------------------------|-----------------------|
| Income of injured                | Rs. 1,800/- per month<br>(as per minimum wages)                       | Rs. 1,800/- per month |
| 10% functional disability        | 10% of 1,800/-                                                        | Rs. 180/-             |
| 40% future prospects             | (180+72)                                                              | Rs. 252/-             |
| Multiplier                       | 17                                                                    | 17                    |
| Total loss of income             | Rs. 252x17x12                                                         | Rs.51,408/-           |
| Pain and sufferings              |                                                                       | Rs. 5,000/-           |
| Medical expenses                 |                                                                       | Rs. 15,000/-          |
| Compensation awarded by Tribunal | Rs. 25,000/-                                                          |                       |
| Compensation awarded in appeal   |                                                                       | Rs. 71,408/-          |
| Enhanced amount of compensation  | Rs. 71,408/- (awarded in appeal) – Rs. 25,000/- (awarded by Tribunal) | Rs. 46,408/-          |

11. The appellant–claimant would, therefore, be entitled to enhanced compensation of Rs. 46,408/- in terms of the Second Schedule to the Motor Vehicles Act, 1988.

12. Claimants-appellants shall also be entitled to interest @ 7.5% on the enhanced compensation from the date of filing of claim petition till realization. Liability of respondents to pay compensation shall be as per the award.

13. Appeal is accordingly allowed in above terms.

14. Respondent No. 1 has filed cross-objections; however, it is evident that respondent No. 1 did not choose to contest the claim petition before the learned Tribunal and was proceeded against *ex parte*. There is no material on record to conclude that the respondent or his vehicle was not involved in the

accident. Therefore, the findings recorded by the learned Tribunal are upheld.

The cross-objections, being devoid of merit, are hereby dismissed.

15. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

07.04.2026  
manoj

(PARMOD GOYAL)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes    |
| Whether reportable        | Yes/No |