IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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FAO-4029-2002 (O&M)
Date of decision: 01.07.2026

MASTER IMRAN **....Appellant**

Versus

DHARAM SINGH & OTHERS **...Respondents**

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Ms. Shazia K. Singh, Advocate for the appellant.

Mr. Ravinder Arora, Advocate for the Insurance Company.

YASHVIR SINGH RATHOR. J.(Oral)

1. This appeal has been instituted against the Award dated 01.10.2001 passed by MACT, Faridabad (**for short "Tribunal"**) for enhancement of compensation awarded in MACT Case No.92 of 16.07.1997 in a petition under Section 166 read with Section 163-A of Motor Vehicles Act, 1988 vide which a sum of Rs.1,25,000/- has been awarded as compensation to the claimant/appellant alongwith interest at the rate of 9% per annum on account of injuries suffered by him in a motor vehicular accident which took place on 22.02.1997 due to rash and negligent driving by respondent No.1-Dharam Singh, while driving offending truck bearing No.HR-26-6407 **(for short 'offending vehicle')**, owned by respondent No.2, which was insured with respondent No.3.

2. From the pleadings of parties, following issues were framed:-

1. Whether the accident had taken place on account of rash and negligent driving of truck no.HR-26/6407 by respondent No.1?OPP
2. To what amount of compensation, the petitioner is entitled to and from whom?OPP

3. Whether the respondent no.3 is not liable to pay any compensation in view of objections taken in the written statement? OPP

4. Relief.

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.1,25,000/- 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-Dharam Singh, while driving offending vehicle and respondents No.1 to 3 have been held liable to pay compensation jointly and severally. No appeal or cross-objections have been filed by 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. It is pertinent to mention that the record of the present appeal and the Tribunal has got burnt in a fire incident in the High Court Registry and the present appeal has to be decided on the basis of the facts and evidence discussed by the Tribunal in the impugned award.

9. 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 40% permanent disability and he has been awarded a total compensation of Rs.1,25,000/- for pain and sufferings, medical expenses, permanent disability, special diet and transportation charges. Learned counsel further argued that on account of permanent disability suffered by him, the claimant will suffer 'loss of income' in future as well and adequate compensation has also not been awarded under pecuniary and non-pecuniary heads. Learned counsel prayed that impugned award is thus liable to be modified and appellant is entitled to enhanced amount of compensation. In support of his contentions, learned counsel for the appellants 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***.

10. 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.

11. Claimant was 06 years of age at the time of accident and had suffered crushed injuries in respect of left lower limb. To prove the injuries, claimant had examined Dr. S.V. Gupta of S.V. Nursing Home Faridabad, who deposed that claimant was admitted in his Nursing Home on 12.02.1997. He had suffered crushed left lower limb injury from groin to below knee and was said to be

involved in roadside accident. The patient had suffered fracture of thigh bone. The total loss of skin muscles was crushed. Blood circulation was compromised. There was dust and dirt in the wound. General condition was poor with unrecordable blood pressure. The patient was revived and operated upon three times for recovery of skin, fracture and soft tissues and discharged on 10.03.1997. Thereafter, he was called for further treatment on 14.03.1997. PW1 produced the medical bills Ex. P-3 to Ex. P-26 and medical bills Ex. P-27 to Ex. P-52.

12. PW3-Hakam Khan is the father of the claimant, who deposed that his son was 06 years of age and was examined for assessment of disability, pursuant to which a disability certificate was issued, a copy whereof has been led in evidence as Mark A. He further deposed that he had spent about Rs.1.5 lakhs on his treatment and the claimant is still under treatment at Indore.

13. The Tribunal has held that as per the disability certificate, the claimant had suffered 40% partial disability and keeping in view the age of the victim and the fact that he remained admitted in the hospital for treatment for about a month and also remained under treatment from time to time, a sum of Rs.20,000/- was awarded for pain and sufferings, Rs.45,000/- for medical expenses and Rs.50,000/- on account of 40% permanent disability, besides a sum of Rs.10,000/- for special diet and expenses incurred on transportation. In all, claimant has been granted compensation of Rs.1,25,000/-.

14. However, the compensation awarded by the Tribunal is grossly inadequate and the Tribunal has not taken into consideration the severity of the injuries suffered by the victim, who was 06 years of age and has also suffered permanent disability as he suffered crushed injuries on left lower limb. Since the

claimant had suffered crush injuries which were grievous in nature, he is held entitled to a sum of **Rs.30,000/- on account of pain and sufferings** as against Rs.20,000/- awarded by the Tribunal.

15. So far as expenses incurred on treatment are concerned, a sum of **Rs.45,000/-** has been awarded as per medical bills placed on file and the same does not call for any interference.

16. The claimant has suffered permanent disability to the extent of 40% on account of crushed injuries in the left lower limb. The claimant was 06 years of age and this disability will remain with him throughout his life and will certainly diminish his earning capability. 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**.

17. 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.

18. Hon'ble Supreme Court in 2025 ACJ 1624 titled **Karuna Parmar Vs. Prakash Sinha and others** while relying upon judgment rendered by the Hon'ble Supreme Court in 2024 SCC Online SC 3692, **Baby Sakshi Greola Vs. Manzoor Ahmad Simon**, has held that minimum wages payable to a skilled worker in the concerned State have to be taken into consideration while assessing income in the case of a child because that would be the minimum amount which a child would have earned on attaining the age of majority. In **Karuna Parmar's case (supra)**, a girl aged 6 years had died and taking into consideration the minimum wages for skilled workers in the year 2014 to be Rs.223 per day, annual income was assessed as Rs.80,280/- and thereafter, future prospects were added

and after applying multiplier of 18, the compensation was assessed.

19 In the present case, the claimant was 06 years of age at the time of accident. The accident had taken place on 22.02.1997 and during those days, minimum wages earned by a skilled person were around Rs.1500/- per month. Accordingly, income of the victim is taken as **Rs.1500/- per month**.

20. Since, claimant was 06 years of age on the date of accident, 40% amount has to be added to his monthly income towards future prospects in view of law laid down in 2014 (1) RCR (Civil) 914 **Sanjay Verma's case (supra) and Pranay Sethi's case (supra)** and after adding the same, his monthly income comes out to **Rs.2,100/-** per month (Rs.1500/- + Rs.600/-).

21. Claimant has suffered permanent disability to the extent of 40% and the monthly loss of income will thus come to **Rs.840/- (Rs.2,100 × 40%)** and annual loss of income will come out to **Rs.10,080/- per annum (Rs.840 × 12)**.

22. The claimant was 06 years of age and in view of law laid down in **Karuna Parmar's case (supra)** and 2009(6) SCC 121 **Sarla Verma's case (supra),** multiplier of 18 has to be applied which takes the compensation to **Rs.1,81,440/- (Rs.10,080 × 18)** on account of '**loss of income**' due to permanent disability.

23. The claimant has also been awarded a sum of Rs.10,000/- for special diet and transportation charges. Since claimant had remained under treatment for a long duration, he is accordingly held entitled to a sum of **Rs.30,000/- on account of expenses incurred for special diet, transportation and in engaging an attendant**.

24. The claimant has suffered crushed injuries in his foot and has become

40% disabled in respect to his said limb and this disability will remain with him throughout his life and accordingly, he is held entitled to a sum of Rs.30,000/- on account of loss of amenities.

25. Resultantly, the compensation to be paid to claimant is assessed as under:-

	Heads	Amount
1.	Medical Expenses	Rs.45,000/-
2.	Pain and Sufferings	Rs.30,000/-
3.	Monthly income	Rs.1,500/-
4.	Future Prospects @ 40%	Rs.600/-
5.	Monthly Income after Future Prospects	Rs.2,100/- (Rs.1,500 + Rs.600)
6.	Monthly Loss of Income (40% Disability)	Rs.840/- (Rs.2,100 × 40%)
7.	Annual Loss of Income	Rs.10,080/- (Rs.840 × 12)
8.	Multiplier	18
9.	Loss of Future Income due to Permanent Disability	Rs.1,81,440/- (Rs.10,080 × 18)
10.	Special Diet, Transportation and attendant charges	Rs.30,000/-
11.	Loss of amenities	Rs.30,000/-
12.	Total Compensation	Rs.3,16,440/-

26. As a result of afore-said discussion, the present appeal is partly accepted with costs and the claimant is held entitled to enhanced compensation of Rs.1,91,440/- (Rs.3,16,440/- − Rs.1,25,000/-) (rounded to Rs.1,91,000/-) 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. 16.07.1997, till realization.

27. 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.

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

(YASHVIR SINGH RATHOR)
JUDGE

01.07.2026
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No