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

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Date of decision: 04.05.2026

(1) FAO-2272-2025 (O&M)

UNITED INDIA INSURANCE CO. LTD.

....APPELLANT

VERSUS

NARESH KUMAR AND ORS

...RESPONDENTS

(2) FAO-2298-2025 (O&M)

UNITED INDIA INSURANCE CO. LTD.

....APPELLANT

VERSUS

BHUPINDER SINGH AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Paul S. Saini, Advocate for the appellant. (in both cases).

YASHVIR SINGH RATHOR. J.(Oral)

CM-7233-CII-2025 & CM-7355-CII-2025

The instant applications are for condonation of delay of 25 days in re-filing both the appeals.

Keeping in view the averments made in the applications, the same are allowed and delay in re-filing both the appeals is condoned.

CMs stands disposed of.

FAO-2272-2025 AND FAO-2298-2025 (O&M)

1. The aforesaid appeals have been instituted by the Insurance Company for setting aside the Award dated 11.11.2024 passed by learned Motor Accident Claims Tribunal, Patiala (**for short 'Tribunal'**) vide which a sum of



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Rs.25,39,800/- has been awarded as compensation to claimant/respondent No.1- Naresh Kumar in **(MACP/302/2021 filed as FAO-2272-2025)** and a sum of Rs.1,56,814/- has been awarded as compensation to claimant/respondent No.1- Bhupinder Singh in **(MACP/303/2021 filed as FAO-2298-2025)** on account of injuries and permanent disability suffered by them in the same accident and respondent-Insurance Company was held liable to pay the compensation, which is stated to be on the higher side.

2. I have heard learned counsel for the appellant and have gone through the material on the file.

3. Learned counsel for the appellant argued that the accident in question had taken place head-on and drivers of both the vehicles were thus rash and negligent while driving their respective vehicles but Tribunal has held respondent No.1 to be solely responsible for causing the accident by way of rash and negligent manner which is contrary to the evidence on record and finding in this regard is thus liable to be set aside.

4. Learned counsel contended that compensation awarded to claimant, namely, Naresh Kumar in MACP case No.302/2021 is on higher side. The Tribunal has considered the monthly income of the claimant/injured as Rs.10,000/- per month. The claimant/injured was 34 years of age and 40% future prospects ought to have been added to the monthly income while assessing the compensation on account of 'loss of income' due to permanent disability in view of law laid down in 2017 (16) SCC 680 **National Insurance Co. Ltd Vs. Pranay Sethi and Others**. However, the Tribunal has added 60% of the amount towards future prospects which has taken his income to Rs.16,000/- per month. Thereafter,



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by taking into consideration the functional disability of claimant to the extent of 60%, the compensation of Rs.16,12,800/- has been awarded on account of permanent disability and in all a sum of Rs.25,39,800/- has been awarded, which is on the higher side and the award is thus liable to be set aside.

5. Learned counsel further argued that compensation awarded to claimant, namely, Bhupinder Singh in MACP case No.303/2021 is also on the higher side. A sum of Rs.50,000/- has been awarded on account of 'pain and sufferings', 'loss of earning' and 'mental torture' etc. and in all, a sum of Rs.1,56,814/- has been awarded, which is on the higher side and the award is thus liable to be set aside.

6. However, I do not find any force in the contentions raised by learned counsel for the appellant in both the appeals.

7. It has been specifically alleged in the claim petition that the motorcycle on which the injured claimants were travelling was being driven on its due left side of the road and the offending vehicle make of Swift car while coming from the opposite side at a high speed and in a rash and negligent manner hit the motorcycle after coming to the wrong side of the road on *katcha* portion. To the same effect is the evidence led by the claimants. The driver of the offending vehicle has not stepped into the witness-box to controvert the testimony of the claimant-Naresh Kumar who appeared in the witness-box as CW1. Even Insurance Company has not dared to examine him to establish that it was a head-on collision in the middle of the road. Merely, because the accident was a head-on collision is not a ground to come to the conclusion that the drivers of both the vehicles were rash and negligent. Rather, it has come in evidence that the



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offending car had hit the motorcycle head on after coming to the wrong side when motorcycle was being driven on its due left side and in these circumstances, the driver of the motorcycle/injured cannot be held to be rash and negligent. Learned Tribunal has thus rightly held respondent No.1 responsible for causing the accident by way of rash and negligent driving and no interference in the finding in the same is thus called for.

8. Learned Tribunal has awarded a sum of Rs.25,39,800/- as compensation to the claimant-Naresh Kumar on account of injuries suffered by him including 60% locomotor disability. The compensation awarded by learned Tribunal under various heads is as under:-

Sr. No.	HEADS	CALCULATION
1.	Loss of future income	Rs.16,12,800/-
2.	Medical expenses	Rs.4,52,000/-
3.	Pain and sufferings & loss of amenities, special diet	Rs.3,00,000/-
4.	For extra nourishment	Rs.25,000/-
5.	For future treatment	Rs.50,000/-
6.	Loss of comfort	Rs.1,00,000/-
	Total Compensation	Rs.25,39,800/-

9. The Tribunal after going through the material on file and by treating the claimant as a labourer has assessed his income to Rs.10,000/- per month. It has been inadvertently mentioned due to typographical error that 60% amount is to be added towards future prospects which takes his income to Rs.16,000/- per month. However, taking into consideration his functional disability to be 60%, his loss of income has been assessed as Rs.8,400/- per month. Infact, the income of the claimant would have come to Rs.14,000/- after adding 40% future prospects and



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60% of Rs.14,000/- comes to Rs.8,400/- per month and the Tribunal has also taken monthly loss of income to be Rs.8,400/- and thereafter, multiplier of 16 has been applied in view of law laid down in 2009 ACJ 1298 **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.** as claimant was 34 years of age. In addition to this, claimant has been awarded a sum of Rs.4,52,000/- on account of 'expenses incurred on treatment', Rs.3,00,000/- for 'pain and sufferings', 'loss of amenities' and 'special diet', Rs.25,000/- for 'extra nourishment', Rs.50,000/- for 'future treatment' and Rs.1,00,000/- 'loss of comfort'. The compensation as assessed by the Tribunal is thus not on higher side and just compensation which was required to be assessed has been awarded.

10. Now coming to **FAO-2298-2025**, a perusal of record shows that claimant had suffered fracture grade-I shaft of right femur and he was operated upon for the injuries and 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. Therefore, taking into consideration the severity of injuries, the Tribunal has rightly granted a sum of Rs.50,000/- on account of 'pain and sufferings', 'loss of earning' and 'mental torture' etc. Besides this claimant has been awarded Rs.20,000/- for 'extra nourishment', Rs.5,000/- for 'loss of income for three days' and Rs.87,184/- on account of 'expenses incurred on treatment'. Rather, in my opinion, the compensation awarded for 'pain and sufferings' and for 'loss of income' is on lower side as the claimant would have remained bedridden at least for four months during which period he would not have been able to do any work but since the present appeal has been filed by the Insurance Company and not by the claimant, the same is thus not liable to be



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interfered with.

11. As a result of aforesaid discussion, I am of the considered opinion that impugned award does not suffer from any material illegality or infirmity and material on file has been appreciated in the correct perspective by the learned Tribunal while assessing the compensation. No interference is thus called for and the appeals in hand are ordered to be dismissed.

12. Pending misc. application(s), if any, shall also stand disposed of.

13. Photocopy of this order be placed on the file(s) of connected case(s).

04.05.2026
Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether reportable. : Yes/No