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

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FAO-3443-2002 (O&M)
Date of decision: 01.07.2026

ANIL KUMAR **....Appellant**

Versus

SUKHVINDER AND ORS **...Respondents**

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Kulvir Narwal, Advocate for the appellant.

Mr. Gopal Mittal, Advocate (Through VC)
Mr. R.C. Kapoor, Advocate and
Mr. Ravinder Arora, Advocate for respondent No.3.

YASHVIR SINGH RATHOR. J.(Oral)

1. This appeal has been instituted by claimant against the Award dated 11.02.2002 passed by MACT, Rohtak (**for short "Tribunal"**) for enhancement of compensation awarded in MACT Case No.11/99 in a petition under Section 166 of Motor Vehicles Act, 1988 vide which a sum of Rs.75,000/- 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 09.11.1998 due to rash and negligent driving by respondent No.1, while driving offending truck bearing No.RJ-13G-2817 **(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 in question had taken place due to rash and negligent driving of Sukhvinder Singh respondent No.1, while driving truck bearing registration No.Rj-13G/2817 owned by and during the course of employment of respondent no.2 and insured with *respondent No.3 in which petitioner sustained injuries?OPP*

2. If issue No.2 is proved, to what amount of compensation, the petitioner is entitled to and from whom?OPP.

3. Whether respondent No.1 was not holding a valid driving licence at the time of accident, if so to what effect?OPR

4. Relief.

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

4. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.75,000/- 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.

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

6. 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 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.

7. 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.

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.75,000/- for pain and sufferings, medicines and permanent disability. 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***.

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. 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.

11. As per version of claimant, he met with the accident in question while driving his four-wheeler, when the offending truck hit his four-wheeler from behind. As per his version, he had suffered grievous injuries including multiple fractures and he remained under treatment for a long period at PGIMS, Rohtak

and he has suffered permanent disability.

12. To prove the injuries suffered by him, claimant while appearing as PW2 deposed that he suffered injuries in his right hip, right side above knee leg and below knee. He also suffered injuries on his left leg and right side of temple as well as right arm and face and he tendered the discharge certificates issued by PGIMS, Rohtak Ex. P3 and Ex. P4 as well as OPD cards Mark A1 and A2. A perusal of discharge card Ex. P3 shows that claimant had suffered closed reduction in right hip and he suffered fracture of both bones of right leg and fracture left femur. Close reduction was done in respect of injury suffered in the right hip joint as also mentioned in the discharge card Ex. P3 as well as Ex. P4. It is thus established that claimant had suffered grievous injuries. It is a matter of common knowledge that pain component in such injuries is enormous and they take a considerable long time to heal and in view of the severity of injuries suffered by the claimant, he is held entitled to a sum of **Rs.30,000/- as compensation on account of pain and sufferings**.

13. It must have taken at least six months for the injuries to heal and during this period, the claimant would not have been able to do any work and would have remained bedridden. He used to sell milk and supply the same in his own four-wheeler and it can be assumed that he must have been earning at least Rs.3,000/- per month in the year 1998, when the accident took place and accordingly, he is held entitled to a sum of **Rs.18,000/- on account of loss of income**.

14. During the period of treatment, he must have engaged an attendant, spent some amount on special diet and on transportation and accordingly, he is

held entitled to a sum of **Rs.20,000/- under all these heads**.

15. PW1-Dr. Ashwani Sharma, deposed that he alongwith other members of the Board namely Dr. Rup Singh, Chairman and Dr. Zile Singh assessed permanent disability of the claimant and he was found to have suffered 18% permanent disability on account of limitation of flexion of the hip and knee joints and foot drop, due to lateral pobliteal nerve weakness plus radiological vascular necrosis of femur head. The X-ray of both bones showed united fractures of both bones of the leg and he tendered disability certificate Ex. P1. Nothing to shatter his veracity could be elicited during his cross-examination when he again stated that disability was permanent in nature and it may increase or decrease with the passage of time. Accordingly, it is further established that claimant had suffered 18% permanent disability in relation to his hip joint and right leg. The claimant was 30 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***.

16. Monthly income of claimant has been assessed to be Rs.3,000/-. Since, claimant was 30 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.4,200 /- per month.

17. Claimant has suffered permanent disability to the extent of 18% and the monthly loss of income will thus come to Rs.756**/- (Rs.4,200 × 18%)** and annual loss of income will come out to Rs.9,072**/- per annum (Rs.756 × 12)**.

18. The claimant was 30 years of age and in view of law laid down in **Pranay Sethi's case (supra)** and **Sarla Verma's case (supra),** multiplier of 17 has to be applied which takes the compensation to **Rs.1,54,224/-** (Rs.9,072 × 17) on account of '**loss of income**' due to permanent disability.

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

Sr.	Compensation	Amount
1.	Pain and Sufferings	Rs.30,000/-
2.	Loss of Income during Treatment (6 months)	Rs.18,000/-
3.	Attendant Charges, Special Diet and Transportation	Rs.20,000/-
4.	Loss of Future Income due to Permanent Disability	Rs.1,54,224/- (Rs.9,072 × 17)
5.	Total Compensation	**Rs.2,22,224/-** (Rounded to Rs.2,22,000/-)

20. 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.1,47,000/- (Rs.2,22,000/- − Rs.75,000/-)** 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. 15.03.1999, till realization.

21. 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.

22. 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