

2026:PHHC:001396



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

**Reserved on: 11.12.2025
Pronounced on:12.01.2026
Uploaded on: 12.01.2026**

1. FAO-2180-2019 (O&M)

SATBIR @ SATVEERAppellant

Vs.

SHAITAN SINGH AND OTHERSRespondents

AND

2. FAO-3526-2019 (O&M)

UNITED INDIA INSURANCE CO. LTD.Appellant

Vs.

SATBIR @ SATVEER AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Yogesh Gupta, Advocate for the appellant
in FAO-2180-2019 and for
respondent No. 1 in FAO-3526-2019.

Mr. Satpal Dhamija, Advocate for the appellant
in FAO-3526-2019 and for respondent No. 3
in FAO-2180-2019.

HARKESH MANUJA, J.

1. Vide this common judgment, the above noted two appeals, bearing
FAO No. 2180 of 2019 and FAO No. 3526 of 2019 impugning the award dated
05.12.2018 passed by the learned Motor Accident Claims Tribunal, S.A.S. Nagar

(hereinafter referred to as “the Tribunal”), shall be disposed of. For convenience, facts are being taken from FAO No. 2180 of 2019.

FACTS

2. The appellant, being injured filed a claim petition before the learned Tribunal praying for grant of compensation on account of injuries suffered by him in a motor vehicular accident which took place on 07.02.2018 while alleging rash and negligent driving of respondent No.1/driver.

3. After going through the claim petition and evaluating the evidence led by both the parties, learned Tribunal vide award dated 05.12.2018, arrived at a conclusion that the accident occurred on account of rash and negligent driving of respondent No.1 and awarded compensation in the following manner:-

S.No.	Heads of Claim	Amount (in Rs.)
1.	Income	Rs. 8,000/-
2.	Deduction	Nil
3.	25% Future Prospects	Rs.2,000/-
4.	Multiplier	13
5.	Functional Disability	100%
6.	Loss of Future Earning (10,000 x 12 x 13)	Rs. 15,60,000
7.	Medical Bills	Rs. 11,877/-
8.	Artificial Limb (including maintenance & replacement)	Rs. 4,00,000/-
9.	Pain & Suffering	Rs. 60,000/-
10.	Transportation	Nil
11.	Special Diet	Rs. 40,000/-
12.	Attendant Charges	Rs. 40,000/-
13.	Loss of Amenities	Nil
14.	Loss of expectation of life	Nil
15.	Future Medical Expenses	Rs. 2,00,000/-
	Total Compensation	Rs. 23,11,877/-

4. It is the said award dated 05.12.2018 which has been challenged by way of present two appeals.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR THE APPELLANT/CLAIMANT.

5. Learned counsel for the appellant/claimant assailed the award while submitting that in the given facts, the compensation awarded by the learned Tribunal was on the lower side. It was further submitted that the learned Tribunal gravely erred in assessing the monthly income of the appellant @ Rs. 8,000/-, despite unrebutted evidence establishing that the appellant was earning about Rs. 15,000/- per month by playing Punjabi Dhol at functions and working as labourer. He further submitted that the application of multiplier of 13 was erroneous, as the appellant was 45 years of age at the time of accident and the appropriate multiplier of 14 ought to have been applied. Furthermore, it was submitted that the compensation awarded under various heads such as permanent disability, medical expenses (past and future), pain and suffering and loss of amenities of life was grossly inadequate, considering the prolonged hospitalization, multiple surgeries, continued treatment and the lifelong hardship suffered by the appellant. Therefore, learned counsel prayed that the present appeal be allowed and compensation be enhanced, as per latest decisions on the subject.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR THE APPELLANT/RESPONDENT No.3/INSURANCE COMPANY

6. Per contra, learned counsel for the appellant/respondent No.3-Insurance Company, vehemently contended that the learned Tribunal erred in treating 80% permanent disability of the left limb as 100% functional disability of the whole body, resulting in unjustified and excessive award towards loss of future earnings,

contrary to the settled law. He further submitted that the learned Tribunal fell into

grave error in awarding Rs. 4,00,000/- towards artificial limb and Rs. 2,00,000/- towards future medical expenses on mere presumption, despite there being no proof of actual expenditure and clear evidence on record indicating a much lower assessed cost. The learned counsel concluded his arguments by submitting that the impugned award was highly excessive and contended that the learned Tribunal fell into error while awarding a whopping sum of Rs. 23,11,877/- as compensation and as such the same was liable to be set aside.

DISCUSSION

7. I have heard learned counsel for the parties and perused the paper-books of the appeals as well. I find force in the arguments advanced by learned Counsel for the appellant/claimant.

8. Before determining the quantum of compensation, it is essential to draw guidance from the principles laid down by the Hon'ble Apex Court, in similar cases. In **Raj Kumar vs. Ajay Kumar and Ors.** reported as **(2011) 1 SCC 343** the Hon'ble Court laid down the heads under which compensation is to be awarded for personal injuries. Relevant paragraph No. 6 therefore being relevant is extracted hereunder:-

“6. The heads under which compensation is awarded in personal injury cases are the following:

Pecuniary damages (Special damages)

(i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food, and miscellaneous expenditure.

(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 only 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, the 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”.

**ON THE ASPECT OF ENHANCEMENT OF COMPENSATION
ASSESSMENT UNDER “LOSS OF INCOME”**

9. A perusal of the record reveals that the appellant/claimant was 45 years of age at the time of the accident and earning Rs. 15,000/- per month by playing Punjabi Dhol at functions and working as labourer. However, the learned Tribunal assessed the monthly income of the appellant/claimant @ Rs. 8,000/- per month in the absence of documentary evidence on record. In this situation observations made by the Hon’ble Apex Court in “Kubra Bibi vs. Oriental Insurance Co. Ltd.”, reported as 2023 (3) Apex Court Judgments (SC) 23, to the effect that in the absence of definite proof of income, the social status of the deceased is to be kept in perspective where such persons are employed in unorganized sector and the notional income is required to be taken into account to help the cause of the appellant. Relevant para from this judgment is reproduced hereunder:-

“7. In a matter of the present nature where the compensation is sought and even in absence of definite proof of the income, the social status of the deceased is to be kept in perspective where such persons are employed in unorganized sector and the notional income in any event is required to be taken into consideration. The fact that the deceased had three dependents to be cared for and had claimed that he was working as a mechanic, the amount payable to an unskilled labour, cannot be the basis and in that circumstance when he was a skilled person, the daily income at Rs. 200 per day in any event could have been taken even if the income from jeep transport business was discarded for want of documents. More so in a circumstance, where the MACT had referred to the evidence available on record and then arrived at its conclusion, the re-appreciation of the evidence by the High Court is without being sensitive to nature of lis before it.”

9.1 Furthermore, the nature of proceedings in Motor Accident Claims, being summary in nature, evidence in *stricto sensu* is not required. The Hon’ble Supreme Court in case of **“Chandra @ Chanda @ Chandraram vs. Mukesh Kumar Yadav & Ors.”**, reported as **(2022) 1 SCC 198**, held that in the absence of proof of income, the minimum wage notification can be a yardstick but at the same time cannot be absolute one to fix the income of the deceased and some guesswork is required to be done to assess the income. Relevant excerpt thereof is reproduced hereunder:-

“.....In the absence of salary certificate the minimum wage notification can be a yardstick but at the same time cannot be an absolute one to fix the income of the deceased. In the absence of documentary evidence on record some amount of guesswork is required to be done. But at the same time the guesswork for assessing the income of deceased should not be totally detached from reality. Merely because claimants were unable to produce documentary

evidence to show the monthly income of Shivpal, same does not justify adoption of lowest tier of minimum wage while computing the income. There is no reason to discard the oral evidence of the wife of the deceased who has deposed that late Shivpal was earning around Rs. 15,000/- per month.....”

9.2 In view of the aforesaid discussion and also while keeping into account the facts and circumstances of the present case, this Court is of the considered opinion that the notional income of the appellant/claimant is assessed @ Rs. 11,000/- per month (Rs. 366.66 per day). Now, as per the statement of appellant/claimant who appeared as PW2, he remained in hospital from 08.02.2018 to 11.02.2018 i.e. 4 days and as such loss of income suffered by him during the said period is assessed as Rs. 1466.64/- (366.66 x 4). Further, evidently the motor vehicular accident in the present case took place on 07.02.2018 and the appellant/claimant must have been bed-ridden for 6 months because of amputation of his left leg above knee, after the accident. Thus, it would be safe to assume that the appellant would have suffered loss of income for 6 months due to reduced working capacity. Therefore, after considering facts and circumstances of the present case, loss of income for the said period is conservatively assessed @ Rs. 65,998.8/- (366.66 x 180) rounded off to Rs. 66,000/-. Furthermore, though, the appellant/claimant has suffered 80% disability, yet it being a case of amputation of left leg above knee it would be just and fair if the future loss of income/functional disability is assessed @ 80%, considering the fact that the said amputation would render the appellant/claimant incapable of standing for extended periods of time. Additionally, the Hon'ble Supreme Court, in the case of “Pappu Deo Yadav v. Naresh Kumar” reported as 2020 INSC 553 held that in cases where a claimant

suffers permanent disability due to a motor vehicle accident, compensation may be awarded not only for the future loss of income but also towards future prospects.

9.3 A perusal of record shows that the age of appellant/claimant at the time of accident was 45 years. The computation of future prospects is to be done as per the law laid down by a Constitution Bench of the Hon'ble Supreme Court in “National Insurance Co. Ltd. v. Pranay Sethi” reported as (2017) 16 SCC 680 para 59.3, which records the conclusion in this regard, reads as under:-

“59.3 While determining income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should read as actual salary less tax.”

9.4 In view of the above discussion, the appellant/claimant in addition to the loss of future earnings, shall also be entitled to compensation for loss of future prospects @ 25%. Therefore, the income of the appellant/claimant after adding future prospects be taken @ Rs. 13,750/- (11,000 + 2,750) per month for the purpose of calculation of compensation. Accordingly, this Court finds that the compensation payable for the functional disability to the extent of 80% is assessed @ Rs. 18,48,000/- (13,750 x 12 x 14 x 80/100).

ASSESSMENT UNDER “MEDICAL EXPENSES/HOSPITALIZATION”

10. In the present case, the appellant/claimant suffered disability to the extent of 80% of the left leg due to amputation, which has been established from the disability certificate proved on record as Ex.PW2/F by Dr. Sanjeev Kamboj, Medical Officer, Civil Hospital, Phase-6, Mohali who appeared as PW-3. The

appellant/claimant has also proved on record medical bills Ex.P1 to Ex.P19, which shows that the appellant/claimant had paid an amount of Rs. 11,877/- on his treatment. Therefore, keeping in mind the cost factor prevalent at the time of motor vehicular accident and the treatment besides need of medicines during rehabilitation period, the compensation under this head needs to be reassessed. The aforesaid view finds force from the fact that due to shock and mental agony on account of accident, a person cannot be presumed to be vigilant enough to collect all the bills for claim/reimbursement purposes, though, total bills proved are for Rs.11,877/- yet in the humble opinion of this Court, compensation under this head is assessed as Rs. 50,000/-.

So far as the artificial limb is concerned, the appellant/claimant has examined PW1, Ishwar Singh, Associate Rehabilitation Services, Ottobock Health Care India Pvt. Ltd., who deposed that the appellant/claimant was the case of left above knee amputation and required knee prosthesis and thus suggested his left above knee prosthesis for his left leg costing Rs. 3,30,750/- including all expenses and this witness proved on record the fitment proposal of artificial leg as Ex.PW1/B. He further deposed that after the fitment of the artificial leg, the patient requires annual maintenance for the above said fitment annually, which costs around Rs. 12,000/- per annum. In these circumstances, in the humble opinion of this Court, compensation under the head of future medical expenses is assessed as Rs. 8,00,000/-.

ON THE ASPECT OF PAIN AND SUFFERINGS

11. For assessing just compensation under the head of pain and sufferings, reference may be drawn to the decision of the Hon'ble Supreme Court in K.

Murlidhar vs. R. Subbulakshmi & Anr., 2024 INSC 886, wherein it was held that

the award of compensation under non-pecuniary heads must be reasonable and commensurate with gravity of the injuries suffered; the extent of disability; the duration of hospitalization, and the mental and physical agony endured by the claimant. Relevant portion of the same is reproduced as under:-

“15. Keeping in view the above-referred judgments, the injuries suffered, the ‘pain and suffering’ caused, and the life-long nature of the disability afflicted upon the claimant-appellant, and the statement of the Doctor as reproduced above, we find the request of the claimant-appellant to be justified and as such, award Rs. 15,00,000/- under the head ‘pain and suffering’, fully conscious of the fact that the prayer of the claimant-appellant for enhancement of compensation was by a sum of Rs. 10,00,000/-, we find the compensation to be just, fair and reasonable at the amount so awarded.”

11.1 In light of the settled legal position enunciated by the Hon’ble Supreme Court in ***Muralidhar’s case (supra)***, and having due regard to the peculiar facts and circumstances of the present case, it is evident from the documentary evidence duly proved on record that the appellant/claimant sustained grievous injuries, namely a mangled left lower limb, culminating in amputation with a closed stump. More than that, Dr. Sanjeev Kamboj, Medical Officer, Civil Hospital, Phase-6, Mohali who appeared as PW-3 proved on record the disability certificate as Ex.PW2/F, as per which, the appellant/claimant was found to be having 80% permanent disability. Thus, this Court is of the opinion that an amount of Rs. 5,00,000/- is awarded under the head of pain and sufferings.

ASSESSMENT UNDER OTHER ‘PECUNIARY HEADS’

12. Admittedly, the injured was bed ridden for 6 months as he was operated upon and would have definitely gone for his post-operative care. However, learned Tribunal failed to grant adequate compensation under the head of special diet, conveyance charges and attendant charges. Therefore, compensation granted under these heads is reassessed @ Rs. 2,00,000/.

CONCLUSION

13. In view of what has been discussed hereinabove, the appellant/claimant shall be entitled for the grant of compensation in the following manner:-

S.No.	Nature	Amount (in Rs.)
1.	Loss of Income (Rs. 1,466.64+ Rs. 66,000 + Rs. 18,48,000)	Rs. 19,15,466.64
2.	Medical Expenses/Hospitalization (50,000 + 8,00,000)	Rs. 8,50,000/-
3.	Compensation under other pecuniary head	Rs. 2,00,000/-
4.	Compensation under pain and sufferings	Rs. 5,00,000/-
	Total Compensation	Rs. 34,65,466.64
	Amount Awarded by the Tribunal	Rs. 23,11,877/-
	Enhanced Amount	Rs. 11,53,589.64/-

14. The grant of interest @ 7.5% per annum is not equitable and just in view of the observations made by the Hon’ble Supreme Court in **“Smt. Supe Dei and others vs. National Insurance Company Limited and other,** reported as **(2009) (4) SCC 513** approved in a subsequent judgment titled as **“Puttamma and others vs. K.L. Narayana Reddy and another, 2014 (1) RCR (Civil) 443,** thus, the interest is enhanced to 9% per annum on the amount of compensation awarded to the claimants from the date of institution of claim petition till its realization. In case the said amount is not paid within three months, the same shall be payable

thereafter along with 12% interest from the expiry of period of three months from today. Needless to mention here that the amount of compensation already paid to the claimant shall be deducted from the enhanced compensation.

15. Accordingly, the appeal filed at the instance of appellant/respondent-Insurance Company is dismissed and the appeal filed at the instance of appellants/claimants is disposed of with the aforesaid modification of the award passed by the learned Tribunal.

16. Pending miscellaneous applications(s) if any, shall also stand disposed of.

January 12, 2026
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/ No