IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4627-2002 (O&M)

RAM CHANDER

.... Appellant

VERSUS

BILLU @ BAL MUKAND AND OTHERS

..... Respondents

1.	Judgment reserved on	12.02.2026
2.	Judgment pronounced on	18.04.2026
3.	Judgment uploaded on	20.04.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced.	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	-Nil-

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Argued by : Mr. Sahil Gupta, Advocate
for the appellant.

Mr. Vinod Gupta, Advocate
for respondent No.3-Insurance Company.

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YASHVIR SINGH RATHOR, J. (Oral)

1. This appeal has been instituted against the Award dated 17.07.2002 passed by MACT, Rewari (**for short "Tribunal")** for enhancement of compensation awarded in MACT Case No.253 of 08.01.2001 in a petition under Sections 163/166 of Motor Vehicles Act, 1988 vide which a sum of Rs. 2,59,443/- has been awarded as compensation to the claimant/appellant along with interest at the rate of 9% per annum due to injuries suffered by him in a motor vehicular

accident on account of rash and negligent driving by respondent No. 1, while driving offending vehicle bearing No.HR-34-5046 **(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 by the ld. MACT:

> 1. *Whether the accident in question resulting in injuries to petitioner was caused because of rash and negligent driving of Jeep No. HR-34/5046 by its driver respondent No. 1? OPP*
> 2. *Whether the petitioner is entitled to compensation, if so, to what amount and from whom? OPP*
> 3. *Whether respondent No.1 was not holding any valid and effective driving license at the time of alleged accident? OPR No.3*
> 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.2,59,443/- 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. Along with the appeal claimant has moved an application bearing No.**CM-12629-CII-2019** for leading additional evidence under Order 41 Rule 27 CPC with the averments that he had joined CRPF on

04.10.1980 and he had to take premature retirement on 31.10.2001 due to disability caused by the accident. One Bhim Singh had also joined CRPF on 25.11.1980 on the same post and he retired on 30.04.2016. Before 31.12.2015, appellant was drawing basic pension of Rs.4,030/- per month and after the 7th Pay Commission, he is drawing pension @ Rs.13,353/- per month as per letter dated 28.02.2018 (Annexure A-1) whereas his colleague Bhim Singh, who retired in ordinary course is drawing pension of Rs.30,084/- per month. Appellant is thus suffering loss of pension by Rs.16,731/- per month. Besides this, at the time of retirement, appellant had received a service gratuity of Rs.74,741/- as shown in his pension book Annexure A-3 whereas Bhim Singh has received gratuity of Rs.9,10,800/- as shown in his pension book Annexure A-4. At the time of retirement, employee of the Central Government gets leave encashment which is equivalent to his salary of 10 months i.e. 300 days but appellant had only received leave encashment of 52 days. Appellant had remained admitted in the hospital during treatment from 02.07.2000 to 11.03.2001, as also observed by the Tribunal and as such, he has received less leave encashment. These documents Annexures A-1 to A-5 are necessary for just and effective disposal of the appeal and he may be permitted to lead these documents by way of additional evidence.

7. Respondent No.3-Insurance Company has filed reply and has opposed the same. It is submitted that the pension profile of said Bhim Singh is of no consequence. Appellant had sought retirement of his own request after putting in minimum pensionable service and he is not entitled to lead the additional evidence.

8. In the present case, the claimant had suffered injuries in an accident and as per disability certificate, he had suffered 29% permanent disability on account of injury on his left hip joint. The Orthopaedic Surgeon at the CRPF Group Centre found him to be unfit for combat duty and he sought premature retirement with effect from 31.10.2001, and as such, he is drawing his pension as was admissible to him in view of his length of service. He cannot derive any benefit from the fact that another employee serving in CRPF has served till the age of superannuation and is drawing more pension or has received a higher amount of gratuity and encashment of earned leave and claimant cannot claim parity with the said employee namely Bhim Singh as he worked in the CRPF till the age of superannuation and he is drawing pension on account of the past services rendered by him whereas claimant had taken premature retirement and has not served the organization till the age of superannuation and has thus put in less years of service. The evidence sought to be led is thus not at all essential for just decision of the case and the application in hand is meritless and the same is ordered to be dismissed.

9. In present appeal, the only issue required to be determined relates to the assessment of compensation. Therefore, the entire facts regarding the manner of 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 the offending vehicle and respondents were 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.

10. 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 Branch and the present appeal has to be decided on the basis of the facts and evidence discussed by the Tribunal in the impugned award.

11. Learned counsel for the appellant argued that the impugned award is based on conjectures and surmises. The facts of the case and evidence on file have not been appreciated in the correct perspective and Tribunal has gravely erred in awarding meagre compensation of Rs.2,59,443/-. Learned counsel contended that the claimant was serving as Head Constable in CRPF and was drawing a monthly salary of Rs.6627/- as proved from his salary certificate Ex.PW6/A. He has suffered 29% permanent disability and on account of his permanent disability, he was not found fit to be retained in service and was prematurely retired on 01.11.2001. Learned Tribunal computed monthly loss of income @ Rs.1150/- per month and applied multiplier of 15 while awarding compensation for loss of income due to permanent disability whereas claimant had lost his job and his earning capability has diminished by 100%. Learned counsel further contended that meagre compensation has been awarded for pain and sufferings, transportation charges and attendant charges. Learned counsel next contended that on account of injuries suffered by him, the appellant had to avail 243 days of earned leave which he would have got encashed and he has thus suffered

loss of income on account of availing of earned leaves but no compensation has been awarded for loss of earned leaves of around eight months and learned counsel prayed that the compensation be suitably enhanced and the award be modified. In support of his contentions, learned counsel for the appellant 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**.

12. On the other hand, learned counsel for respondents 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.

13. Learned Tribunal on the basis of evidence led on file has held that the salary of the claimant was Rs.6,627/- as per salary certificate Ex.PW6/A, which has been proved by PW6 ASI Satish Kumar, who was working in the office of ADIG Group Centre CRPF, Gurgaon. He has also deposed that claimant was enlisted in CRPF as a Constable on 04.10.1989. He was promoted as Lance Naik on 02.05.1991, as Naik on 30.10.1994 and as Head Constable on 02.05.1995. The claimant was declared unfit for combat duty by Dr. Deepak Mahapatra, CMO, Orthopedic of Group Centre Hospital, CRPF, Gurgaon on 14.03.2001 and then claimant took premature retirement from service on 01.11.2001 due to the injuries suffered by him.

14. To prove the injuries, claimant deposed that he was taken to CHC Mahendergarh after the accident from where he was sent to PGIMS, Rohtak. He tendered the MLR Ex.PD, which shows that he was admitted at CHC Mahendergarh on 02.07.2002 at 3.10 PM and had suffered five injuries on his person. The discharge card Ex.P12 further shows that he was admitted at PGIMS, Rohtak on 02.07.2002 and was discharged on 15.08.2002. Ex.P13 to Ex.15 are the OPD cards of the claimant issued by PGIMS, Rohtak. To prove disability, claimant had examined PW5 Dr. Ashok Saini, Medical Officer, who deposed that on 16.01.2002, claimant appeared before Medical Board and the board assessed his disability to be 29% on account of post-traumatic stiffness of left hip joint with partial loss of stability with shortening and he tendered the original disability certificate Ex.PC.

15. As such, from the evidence led on file, it is established that claimant had suffered grievous injuries in his hip joint and there was shortening of leg. It is pertinent to mention that the record of the Tribunal has got burnt in a fire incident in the High Court and the complete copy of the award is not legible and it cannot be ascertained as to how much compensation has been awarded under the heads "pain and sufferings, medical expenses, transportation charges and attendant charges" but total compensation of Rs.2,59,443/- has been awarded which includes a sum of Rs.2,07,000/- as loss of income on account of permanent disability. However, in view of the severity of the injuries suffered by the claimant, it can be presumed that it must have taken at least six months for the injuries to heal and even as per testimony of PW6, claimant remained on

leave from 02.07.2000 to 31.12.2000, 12.02.2001 to 15.05.2001, 24.09.2001 to 29.09.2001, 01.01.2001 and 14.02.2001 to 11.03.2001. As such, claimant remained on leave most of the time during the period of treatment. It is a matter of common knowledge that such injuries take a long time to heal and pain component is also enormous and in view of the gravity and severity of the injuries, claimant is held entitled to a sum of **Rs.1,00,000/-** on account of **"pain and sufferings".**

16. The Tribunal has held that the monthly income of the claimant was Rs.6,627/- and that compensation on account of permanent disability has been assessed to the extent of 29% of the loss of income and thereafter, multiplier of 15 has been applied and a sum of Rs.2,07,000/- has been assessed as compensation for loss of income due to permanent disability. As argued by learned counsel for appellant, the claimant had to leave his job and he has suffered 100% loss of income and his functional disability thus should be taken as 100% and thereafter future prospects should be added and after applying suitable multiplier, adequate compensation should be assessed on account of loss of income due to permanent disability.

17. However, I do not find any force in the contentions raised by learned counsel for the appellant. The claimant had himself sought premature retirement and he was retired from CRPF on his own request. It is not his case that he was retired prematurely by the CRPF on account of his unfitness to continue in the said job. It is probable that he could have been given some light duty within the organization due to his

disability and he would thus not have suffered any loss of income. As such, the compensation to be awarded on account of loss of income due to permanent disability has to be assessed by taking into consideration the percentage of disability and the extent to which his earning capability has 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**.

18. Besides this, 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.

19. In the present case, the claimant has suffered 29% permanent disability on account of post-traumatic stiffness of left hip joint with partial loss of stability with shortening. In these circumstances, the claimant will have difficulty in walking, running and sitting and will not be able to lift any weight. As such, the disability suffered by him will certainly diminish his earning capability as he will not be able to do his job or routine work and lead his life in the same manner as he was leading prior to the accident.

20. Claimant was 40 years of age on the date of accident and was a permanent government employee. Accordingly, 50% of amount has to be added to his monthly income towards future prospects in view of law laid down in **Sanjay Verma's case (supra)** and **Pranay Sethi's case (supra)** and after adding the same, his monthly income comes out to **Rs.9,940/- per month (Rs.6,627/- + Rs.3,313/-)**.

21. Claimant has suffered permanent disability to the extent of 29% and the monthly loss of income will thus come to **Rs.2,882.6/-**

(Rs.9,940/- X 29%) (rounded off to Rs.2,883/-) and '**annual loss of income**' will come out to **Rs.34,596/- per annum (i.e. Rs.2,883/- X 12)**.

22. The claimant was 40 years of age and in view of law laid down in **Pranay Sethi's case (supra)** and **Sarla Verma's case (supra),** the multiplier of 15 has to be applied which takes the compensation to **Rs.5,18,940/- (Rs.34,596/- X 15)** on account of '**loss of income**' due to permanent disability.

23. The claimant remained on leave for around eight months and he availed earned leaves and during this period, he suffered loss of income as he could have got the earned leave encashed at the time of his retirement. However, his income has been held to be Rs.6,627/- per month and accordingly, he is held entitled to a sum of **Rs.53,016/-** (**Rs.6,627/- x 8)** on account of '**loss of income during the period of treatment**'.

24. During the period of treatment of eight months, claimant must have engaged an attendant to look after him and he is accordingly held entitled to a sum of **Rs.30,000/-** for "**engaging an attendant"**.

25. The claimant was under treatment for about eight months and huge amount must have been spent on transportation and he is accordingly held entitled to a sum of **Rs.20,000/-** for the **'expenses incurred on transportation'**.

26. During the period of treatment, claimant must have spent huge amount **on special diet** and he is thus held entitled to a sum of **Rs.20,000/-** under this head.

27. The Tribunal under the four heads of pain and sufferings, medical expenses, transportation charges and attendant charges has awarded a sum of Rs.52,443/- as compensation and out of this amount, around Rs.25,000/- must have been awarded on account of expenses incurred on treatment. Bills Ex.P16 to Ex.P48 were tendered in evidence but details of the amount spent against these bills is not available and accordingly, claimant is held entitled to a sum of **Rs.25,000/-** on account of **expenses incurred on treatment.**

28. The claimant has suffered 29% of disability on account of post-traumatic stiffness of left hip joint with partial loss of stability with shortening, which will remain with him throughout his life and as such, he is held entitled to a sum of **Rs.20,000/-** on account of **'loss of amenities'.**

29. Resultantly, the compensation to be awarded by this Court is assessed as under:-

Sr. No.	**Head**	**This Court (₹)**
1.	Medical Expenses	Rs.25,000/-
2.	Permanent disability	Rs.5,18,940/-
3.	Pain & suffering	Rs.1,00,000/-
4.	Transportation charges	Rs.20,000/-
5.	Loss of income (treatment)	Rs.53,016/-
6.	Special diet	Rs.20,000/-
7.	Attendant Charges	Rs.30,000/-
8.	Loss of amenities	Rs.20,000/-
	Total	**Rs.7,86,956/-**
	Interest	**9%**

30. As a result of afore-said discussion, the present appeal is partly allowed with costs and the claimant is held entitled to enhanced compensation of **Rs.5,27,513/- (Rs.7,86,956/- - Rs.2,59,443/-) (rounded off to Rs.5,28,000/-)** 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.08.01.2001, till realization.

31. 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.

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

(YASHVIR SINGH RATHOR)
JUDGE

18.04.2026
Priyanka Thakur

Whether speaking/reasoned Yes/No
Whether Reportable Yes/No