



FAO-1399-2002

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

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FAO-1399-2002

Date of Decision:15.01.2026

DHARAMBIR

....APPELLANT

Versus

VASLEEM @ TASLEEM & ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Lalit Pathak, Advocate for
Mr. Rahul Vats, Advocate
for the appellant.

Mr. Deepak Suri, Advocate
for respondent No.2.

PARMOD GOYAL, J. (ORAL)

The present appeal has been preferred by appellant/claimant being aggrieved by grant of compensation of Rs.40,000/- only on account of injuries suffered by him in accident dated 16.08.1998 on account of rash and negligent driving of offending truck bearing registration No.DL-IL-4397 vide impugned award dated 09.11.2001, passed by learned Motor Accident Claims Tribunal, Sonapat (hereinafter referred to as 'Tribunal').

2. Learned counsel for the claimant-appellant is aggrieved by the compensation awarded and has submitted that the Tribunal has erred in not taking into consideration the permanent disability suffered by appellant-claimant quantified at 70% vide Ex.P.3. It is further submitted that the Tribunal has not considered income and vocation of appellant/claimant and had failed to take in consideration future prospects and appropriate multiplier. Compensation under other heads and while determining loss of



income due to permanent disability is also not adequate and just. Accordingly, the claimant-appellant has prayed for enhancement of compensation awarded by the Tribunal

3. In the present case, it is an admitted fact that the injured appellant was 22 years old at the time of the accident and had claimed that he was working as a mechanic. He suffered permanent disability to the extent of 70% as per disability certificate Ex P3. His right leg was amputated on account of injuries in accident. Therefore, an assessment of loss of earning capacity is both necessary and justified in the facts of the present case.

4. PW-1-Dr. Anil Aggarwal had duly stated that injured-claimant remained admitted in Sarvodaya Hospital from 16.08.1998 to 16.09.1998 and further stated that his right leg was operated upon.

5. Learned counsel for appellant/claimant has argued that learned Tribunal has failed to consider evidence of appellant/claimant in right perspective and has not taken into consideration statement of PW-1 Dr. Anil Aggarwal read with statement of PW-2 and Ex.P-3, wherein doctor had clearly stated that the appellant/claimant remained admitted in Savodaya Hospital, New Delhi from 16.08.1998 to 16.09.1998 and his leg was operated. Question for consideration is whether claimant-appellant has suffered any permanent injury.

6. In present case, appellant-claimant had failed to examine doctor



to prove disability certificate Ex.P3 by examining doctor who had examined and issued disability certificate. However, appellant-claimant has succeeded in proving that he was operated upon his right leg as stated by PW-1 and his right leg was amputated as stated by PW-2, appellant-claimant himself. Once, it is proved that right leg of appellant-claimant was amputated below knee, the learned Tribunal ought to have determined functional disability on the basis of amputation of leg even in the absence of proof of disability certificate. Since, appellant-claimant has claimed himself to be mechanic, therefore, on amputation of right leg, he would lose seriously his earning capacity. Accordingly, functional disability is taken as 50% to determine loss of earning capacity of appellant-claimant.

7. Appellant/claimant was aged 22 years and had claimed that he was working as mechanic. However, except for oral assertions no evidence/material is available to conclude income pleaded. In such circumstances, it would be appropriate to consider him skilled worker being mechanic and his income be taken equivalent to minimum wages payable to skilled worker. Therefore, his income to be taken as per the minimum wages payable to a skilled worker i.e. Rs.1,850/- prevalent at the time of accident. Injured being 22 years old entitled to multiplier of 18. Future prospects to extent of 40% of income needs to be taken in consideration for calculating loss of income in view of age of injured. Accordingly, appellant/claimant is entitled to Rs.2,79,720/- as loss of income. Appellant/claimant is also entitled to compensation of Rs.20,000/- for loss of future amenities of life

and loss of future prospects. Appellant/claimant shall be entitled to compensation of Rs.15,000/- towards medical expenses, transportation, special diet and cost of attendant, Rs.20,000/- for pain and sufferings and Rs.15,000/- for loss of income during the treatment. In absence of any evidence, no compensation is payable for future medical expenses.

8. The reworked compensation payable to appellant/claimant is as follows:-

Income	Rs.1,850/- per month (as per minimum wages payable to skilled worker)	Rs.1,850/- (as per minimum wages payable to skilled worker)
Future prospects	40% (1,850+ 740)	Rs.2,590/-
Functional disability	50% of 2,590/-	Rs.1,295/-
Multiplier	18	18
Total Loss of income	Rs.1,295 x 18 x 12	Rs.2,79,720/-
Loss of future amenities and future prospects		Rs.20,000/-
Medical expenses, transportation, special diet and attendant charges		Rs.15,000/-
Loss of income during treatment		Rs.15,000/-
Pain and sufferings		Rs.20,000/-
Compensation awarded in appeal.		Rs.3,49,720/-
Compensation awarded by Tribunal	Rs.40,000/-	
Enhanced compensation	Rs. 3,49,720/- (awarded in appeal) – Rs.40,000/- (awarded by Tribunal)	Rs3,09,720/-/-



9. Appellant/claimant shall be entitled to enhanced compensation of Rs.3,09,720/- along with interest of 7.5% p.a. from the date of filing of claim petition till its realization. Apportionment and liability of respondents to pay compensation shall be as per the award.

10. Present appeal is accordingly allowed in above terms.

11. Pending application(s), if any, stand disposed of.

15.01.2026

Manoj

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No