

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

I.

FAO-3514-2002

Manju Bala

.... Appellant

Vs.

Vivek Anand and others

.... Respondents

II.

FAO-3515-2002

Dr. Anita Arora

.... Appellant

Vs.

Vivek Anand and others

.... Respondents

III.

FAO-5274-2002

Vikram Jeet

.... Appellant

Vs.

Vivek Anand and others

.... Respondents

Reserved on: 22.04.2026
Pronounced on: 28.04.2026
Pronounced Fully/Operative Part: Fully

CORAM: HON’BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Deep Inder Singh Walia, Advocate, for the appellant
in FAOs-3514 & 3515-2002.

Mr. Rajesh Sethi, Mr. Anshuman Sethi and
Mr. Vikas Kumar, Advocates, for the appellant
in FAO-5274-2002.

Mr. R.C. Kapoor, Advocate,
for respondents No.3 & 6 –United India Insurance Co. Ltd.
in FAO-3514-2002.

Mr. Suvir Dewan, Advocate,
for respondents No.3 and 6 in FAO Nos.3515 & 5274-2002.

DEEPAK GUPTA, J.

These three appeals arise out of a common award dated 12.02.2002 passed by the learned Motor Accident Claims Tribunal, Sirsa, whereby three separate claim petitions filed by the injured claimants, namely Vikramjit Singh, Dr. Anita Arora and Manju Bala, arising out of the same motor vehicular accident, were decided together. The claimants have approached this Court seeking enhancement of the compensation awarded to them by the Tribunal.

2. The facts, as borne out from the record, are that the claimants were part of a medical team and had gone to provide health services from Sirsa to Rania. On their return journey, while travelling in a mobile van bearing registration No. DL-1-LA-6575, they met with an accident near village Ottu, when a bus bearing registration No. HR-39/1470, coming from the side of Nigrana towards Sirsa and being driven by respondent No.4 Surinder Singh, was noticed. Both the driver of the van as well as the driver of the said bus were driving their respective vehicles in a rash and negligent manner, which resulted in the accident.

3. Three separate claim petitions were instituted by the injured claimants, impleading the respective drivers, owners and insurers of both the offending van and the bus. It is noteworthy that the insurer of both the vehicles is the same, namely United India Insurance Company Limited, which was arrayed as respondent No.3 in respect of the van, and respondent No.6 in respect of the bus. All the claim petitions were contested by the respondents.

4. Vide a detailed common award dated 12.02.2002, the learned Tribunal, upon appreciation of evidence, recorded a categorical finding that both the drivers were negligent and had contributed to the accident. The liability was accordingly apportioned equally between the two vehicles and their respective owners, drivers and insurers. The said finding has not been challenged and has attained finality.

5. The grievance of the appellants is confined to the quantum of compensation, which according to them is wholly inadequate having regard to the nature of injuries suffered by each of them.

6. **FAO-5274-2002** : Taking up the case of claimant Vikramjit Singh, the evidence on record reveals that he was about 21 years of age at the time of the accident and was working as a pharmacist earning approximately ₹4,000/- per month. It has further come in evidence that due to the injuries suffered in the accident, he lost his employment and is presently constrained to earn his livelihood by running a small shop with assistance.

7. The medical evidence on record establishes that the injuries suffered by him were not only grievous but have resulted in permanent and serious consequences. He sustained multiple fractures involving the mandible and maxilla, resulting in loss of several teeth, mal-union of bones, disturbed occlusion and permanent disfigurement of the face. He also suffered fracture of the right femur requiring surgical intervention with insertion of a steel rod, which remains in situ. In addition, he suffered sciatic nerve injury leading to foot drop, shortening of the limb and restricted mobility. The disability certificate duly proved on record assesses his permanent disability at 50%. The evidence of medical experts further establishes that he is unable to walk normally, cannot sit cross-legged, cannot carry weight and would face lifelong difficulty in chewing food and performing routine activities.

8. The Tribunal, however, has awarded a sum of ₹1,80,000/- which, in the considered view of this Court, does not adequately reflect the extent of disability, its functional impact on the earning capacity, and the long-term consequences on the life of the claimant. The concept of “just compensation” requires a realistic and holistic assessment, particularly in the case of a young individual whose entire future stands affected.

9. Keeping in view his monthly income of ₹4,000/-, the annual income comes to ₹48,000/-. Considering the nature of injuries and disability, and the fact that after recovery, he has been able to run a shop though with assistance, the

functional disability can safely be assessed at 50%, resulting in an annual loss of earning capacity of ₹24,000/-. In terms of the law laid down by the Hon’ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017 AIR SC 5157**, an addition of 40% towards future prospects is warranted, where the deceased/injured is below the age of 40 years and is in settled employment. Accordingly, the annual loss of income of ₹24,000/- is enhanced by 40%, which comes to ₹33,600/-.

10. Applying the multiplier of 18, appropriate to the age of the claimant, the loss of future earning capacity is assessed at ₹6,04,800/- (33,600 x 18).

11. In addition thereto, considering the grievous nature of injuries, prolonged treatment, permanent disfigurement, and lifelong impact on the quality of life, the claimant is entitled to compensation under non-pecuniary heads. A sum of ₹1,50,000/- is awarded towards pain and suffering, ₹2,00,000/- towards loss of amenities and disfigurement, ₹1,00,000/- towards medical expenses (including future treatment), and ₹75,000/- towards attendant charges, special diet, and transportation.

12. Thus, the total compensation payable to Vikramjit Singh is computed as follows:

- Loss of future earnings : ₹6,04,800/-
- Pain and suffering : ₹1,50,000/-
- Loss of amenities/disfigurement : ₹2,00,000/-
- Medical expenses : ₹1,00,000/-
- Attendant/diet/transport : ₹75,000/-
- Total : ₹11,29,800/-

13. After deducting ₹1,80,000/- already awarded by the Tribunal, the enhanced compensation for appellant Vikramjit works out to ₹9,49,800/- (rounded off to ₹9,50,000/-).

14. **FAO-3514-2002** : Insofar as the case of claimant–appellant Manju Bala is concerned, the evidence on record reveals that she sustained multiple

injuries in the accident, including fractures of ribs and facial bones, along with loss of three teeth. She remained admitted in Civil Hospital, Sirsa and thereafter continued treatment in a private hospital. It has further come in her testimony that she remained under treatment for nearly six months and continued to experience pain, particularly during winter, along with difficulty in performing routine household chores.

15. The medical evidence further indicates that she suffered 9% permanent disability, partly on account of mental trauma and partly due to scarring and disfigurement of the upper lip. However, it is equally evident from the record that she continued in service and there is no material to show any loss of earning capacity or reduction in salary. It has also come in her cross-examination that the medical expenses incurred by her stood substantially reimbursed by her employer.

16. In such circumstances, while the disability does not translate into functional loss of earning capacity, the claimant is certainly entitled to compensation for physical disability, pain and suffering, and loss of amenities. The Tribunal has awarded a lump sum amount of ₹30,000/-, which, in the considered view of this Court, is inadequate.

17. Having regard to the nature of injuries, extent of disability, and period of treatment, the compensation is reassessed as under:

- Physical disability (9%) : ₹30,000/-
- Pain and suffering : ₹25,000/-
- Loss of amenities and disfigurement : ₹25,000/-
- Miscellaneous expenses (diet, transportation, attendant) : ₹20,000/-
- Total : ₹1,00,000/-

After deducting ₹30,000/- already awarded by the Tribunal, the enhanced compensation payable to Manju Bala comes to ₹70,000/-.

18. **FAO-3515-2002** : Coming to the case of claimant–appellant Dr. Anita Arora, the record shows that she was working as a Medical Officer and was earning a substantial income at the time of the accident. She sustained serious

injuries, including fracture of the right femur and fractures of both bones of the left forearm, along with nerve injury resulting in foot drop. She underwent surgical intervention at PGI, Chandigarh and remained under prolonged treatment, including a second surgery. The evidence further establishes that she remained bedridden for a considerable period and continues to suffer difficulty in walking, restricted mobility, and limping.

19. The disability certificate on record assesses her permanent disability at 30%. However, it is not disputed that she resumed her duties and continued in service without any proven loss of salary or earning capacity. It has also come on record that her medical expenses, including future treatment, stood reimbursed by her employer.

20. Thus, while there is no case for awarding compensation under the head of loss of future income, the appellant is certainly entitled to just compensation for permanent disability, pain and suffering, and loss of amenities.

21. The Tribunal has awarded a lump sum amount of ₹90,000/-, which does not adequately reflect the extent of disability and the prolonged suffering endured by the appellant.

22. Accordingly, the compensation is reassessed as under:

- Permanent disability (30%) : ₹90,000/-
- Pain and suffering : ₹50,000/-
- Loss of amenities : ₹50,000/-
- Miscellaneous expenses (attendant, transportation, diet): ₹30,000/-
- Total : ₹2,20,000/-

After deducting ₹90,000/- already awarded by the Tribunal, the enhanced compensation payable to Dr. Anita Arora comes to **₹1,30,000/-**.

23. **Conclusion** : Consequent to the foregoing discussion, the appeal filed by claimant–appellant Vikramjit Singh is allowed and he is held entitled to enhanced compensation of ₹9,50,000/-.

24. The appeal filed by claimant–appellant Manju Bala is also allowed and she is held entitled to enhanced compensation of ₹70,000/-.

25.

Similarly, the appeal filed by claimant–appellant Dr. Anita Arora is allowed and she is held entitled to enhanced compensation of ₹1,30,000/-.
26.

The aforesaid enhanced amounts shall be payable to the respective appellants along with interest @ 7.5% per annum from the date of filing of the claim petitions till realization. The liability to pay the compensation shall remain as determined by the learned Tribunal.
27.

All the appeals stand disposed of in the above terms. Pending application(s), if any, shall also stand disposed of.
28.

A photocopy of this judgment be placed on the file of the connected case.

28.04.2026

Vivek

Whether Speaking/reasoned

Whether reportable

Yes

No

(DEEPAK GUPTA)

JUDGE

Uploaded on: 29.04.2026