



FAO-2652-1999(O&M)

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

102

FAO-2652-1999(O&M)

Date of decision- 19.03.2026

Hari Singh

.....Appellant

Versus

United India Assurance Company Ltd. and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Kunal Phogat, Advocate,
for the appellant

Mr. H.S. Dhandi, Advocate,
for the respondent No.1 (Insurance Company).

Respondent No.2 proceeded against ex-parte
before the learned MACT.

AMARINDER SINGH GREWAL, J.

1. The present appeal has been filed by the appellants—claimants seeking enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Gurgaon (hereinafter “*the Tribunal*”), vide award dated 10.05.1999, whereby a sum of ₹20,000/- was granted on account of injuries sustained by him in a Motor Vehicle Accident dated 15.04.1997 due to rash and negligent driving of one Ashu (respondent No.1 before the learned Tribunal).

2. Learned counsel for the appellant-claimant contends that the compensation awarded by the learned Tribunal, is too low in the facts and

***FAO-2652-1999(O&M)***

circumstances of the present case. Further, it is contended that the appellant had filed the claim petition on account of injuries sustained in a motor vehicle accident, as a result of which the toe and a finger of the left leg of the appellant had to be amputated and although the appellant had claimed a sum of Rs.2,25,000/- as compensation, the learned Tribunal has awarded only Rs.20,000/-, which is too meagre. Furthermore, it is submitted that the learned Tribunal failed to appreciate that the injured was a minor and due to the amputation of his toe and finger of the left leg he has suffered permanent disability to the extent of 15% which he has to carry throughout his life. Lastly, it is contended that the learned Tribunal failed to consider that the injury and disability suffered by the appellant would affect his future prospects to accomplish his ambitions and has thus erred in not granting any amount on account of future prospects.

3. At the outset, learned counsel for respondent No.1-Insurance Company submitted that the award passed by the learned Tribunal does not suffer from any irregularity or infirmity, and that the findings recorded therein are well-reasoned on the basis of the material available before the learned Tribunal. It is accordingly contended that no ground is made out for interference in appeals.

4. I have heard learned counsel for the parties and examined the record, with their able assistance.

5. In the present case, the injured claimant is a minor aged about 7 years who suffered amputation of one toe and one finger of the left foot, resulting in 15% permanent disability as per disability certificate Ex. P1. As

***FAO-2652-1999(O&M)***

per the testimony of PW-1 Dr. Akhlaq, the disability is confined only to the foot and does not pertain to the whole body. There is no evidence on record to suggest that the said disability has any adverse impact on the future earning capacity or prospects of the claimant. In such circumstances, the learned Tribunal has rightly assessed the compensation on a non-pecuniary basis and awarded a lump sum amount of ₹15,000/- towards permanent disability, which is found to be just and reasonable and is accordingly upheld. Further, in the absence of any medical bills or documentary evidence, the amount of ₹5,000/- awarded towards treatment and medical expenses also does not warrant any interference.

6. However, it is evident that no amount has been awarded towards pain and suffering, which assumes significance considering that the claimant is a minor child who has undergone injury, undoubtedly causing physical pain, trauma, and lasting discomfort. Therefore, keeping in view the nature of injury and age of the claimant, a sum of ₹70,000/- is awarded towards pain and suffering. Additionally, a consolidated amount of ₹10,000/- is granted towards transportation, special diet, and attendant charges. Thus, the total compensation payable to the claimant is re-assessed at ₹1,00,000/- (₹15,000 + ₹5,000 + ₹70,000 + ₹10,000), and the award stands enhanced to the aforesaid extent.

7. The enhanced compensation, i.e. over and above the compensation awarded by the learned Tribunal, shall also carry interest @ 7.5% per annum from the date of filing of the claim petition till its realization, payable by the insurance company-respondent No.1 to the appellant-claimant.



FAO-2652-1999(O&M)

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

(AMARINDER SINGH GREWAL)
JUDGE

March 19, 2026
anil

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No