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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****FAO-2295-2003****Date of Decision: 01.04.2026****AJIT SINGH****..... APPELLANT****VERSUS****BHUPINDER SINGH****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present: Mr. Bhupinder Ghai, Advocate and
Mr. Sandeep Sihag, Advocate
for the appellant.

Mr. Suvir Dewan, Advocate
for respondent No.3-Insurance Company.

YASHVIR SINGH RATHOR, J. (Oral)

1. This appeal has been instituted against the Award dated 04.01.2003 passed by MACT, Amritsar (**for short “Tribunal”**) for enhancement of compensation awarded in MACT Case No.71 of 1999 in a petition under Section 166 of Motor Vehicles Act, 1988 vide which a sum of Rs.1,17,153/- 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.PB-02-J-9815 (**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 claimant received injuries on 25.2.99 due to rash and negligent driving of truck No.PB-02-J-9815 by respondent No.1? OPA*
- 2. Whether the respondent No.1 was not holding valid driving licence? OPR-3*
- 3. To what amount of compensation the claimant is entitled and from whom? OPA*
- 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.1,17,153/- as compensation to the claimant, on account of injuries suffered by him along with interest 9% per annum from the date of filing of the 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. The only issue required to be determined in the present appeal relates to the assessment of compensation. Therefore, the entire facts regarding the manner of the accident are not required to be reproduced in detail, as the Tribunal has already held under issue No.1 that the accident occurred due to the rash and negligent driving on the part of respondent No.1 while driving offending vehicle and respondents No.1 to 3 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.

7. Learned counsel for the appellant argued that the Tribunal has not appreciated the facts of the case and evidence on file in the correct perspective while assessing the compensation which is grossly inadequate. The claimant had suffered 40% permanent disability and he has been awarded a lump sum compensation of Rs.1,17,153/-. Learned counsel further argued that no compensation has been awarded under the head of 'pain and sufferings, 'loss of income during the period of treatment', 'transportation charges', 'special diet' and 'attendant charges', whereas on account of permanent disability suffered by him, the claimant will suffer 'loss of income' in future as well and adequate compensation has not been awarded under pecuniary and non-pecuniary heads. Learned counsel prayed that impugned award is thus liable to be set aside and appellant is entitled to enhanced amount of compensation. 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 Other**.

8. 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.



9. Coming to issue No.3, case of claimant is that he had suffered multiple grievous injuries due to which he has suffered permanent disability and spent huge amount on his treatment and he is thus entitled to compensation.

10. To prove the nature of injuries, claimant has examined Dr. Jagdish Singh Gill, Medical Officer, Civil Hospital, Amritsar as AW5, who deposed that he had medically examined patient-Ajit Singh on 26.02.1999, who was suffering nine injuries on his person and he tendered the MLR Ex.AW5/1.

11. Claimant further examined Dr. H.S. Sohal, Assistant Professor Orthopaedics, SGPC Hospital as PW1, who deposed that the patient, namely, Ajit Singh was admitted in orthopaedics emergency SGPC Hospital, Amritsar on account of injuries suffered by him in a roadside accident. Patient had suffered fractures on both femurs for which he was operated upon on 09.03.1999 and 16.03.1999 and he was discharged on 27.03.1999. He was again operated upon by Dr. J.P. Singh on 16.03.1999 as recorded in the bed-head ticket Mark-PA. As such, from his testimony, it is established that the claimant had suffered fractures on both femur and he was operated upon thrice. However, no compensation has been awarded under the head of 'pain and sufferings' and lump sum compensation has been awarded which is not in accordance with law and the settled parameters. It is a matter of common knowledge that pain component in such injuries is enormous and such injuries take a long time to heal. Accordingly, claimant is held entitled to



sum of **Rs.30,000/-** as compensation on account of ‘**pain and sufferings**’.

12. As per version of claimant, he was running a grocery/*karyana* shop as well as sale of milk and was also looking after the agricultural land. However, on account disability suffered by him, he is unable to do any work. To prove the disability suffered by claimant, he has led in evidence the disability certificate Ex.AW9/3, which has been proved by AW9 Dr. Dharam Singh. A perusal of the same shows that his disability has been assessed as under:-

“Old case of fracture right and left femur ORIF with BDCP and bone grafting done on left side. ORIF with BDCP with non union on right side and stiffness with pain left knee and right knee with wasting of both lower limbs Muscles. permanent disability is 40% (Forty percent).”

13. In this manner, the claimant has suffered 40% permanent disability due to the fractures suffered by him in his right and left femur with BDCP and bone grafting was done on his left side. There is non-union on right side and stiffness with pain in left knee and right knee with wasting of both lower limb muscles. As such, the disability suffered by him will remain throughout his life and he will not be able to pursue his avocation of sale of milk and agriculture activities and it will thus certainly diminish his earning capabilities. The compensation under the head ‘loss of income’ thus has to be assessed keeping in view the percentage by 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**. 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.

14. The accident had taken place on 25.02.1999 and during those days, even the labourers used to earn Rs.2,200/- per month which were the minimum wages fixed by the State Government. No evidence regarding the income of the claimant has been led on file and in these circumstances, the monthly income of claimant is taken as Rs.2,200/- per month on the basis of prevalent minimum wages. Since, claimant was 32 years of age on the date of accident, 40% 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.3,080/- per month (Rs.2,200/- + Rs.880/-)**.

15. Claimant has suffered permanent disability to the extent of 40% and the monthly loss of income will thus come to **Rs.1,232/- (Rs.3,080/- X 40%)** and annual loss of income will come out to **Rs.14,784/- (i.e. Rs.1,232/- X 12)**.

16. The claimant was 32 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 16 has to be applied which takes the compensation to **Rs.2,36,544/- (Rs.14,784/- X 16)** on account of 'loss of income' due to permanent disability.

17. It must have taken at least six months for the injuries to heal



and during this period, claimant would not have been able to do any work and accordingly, he is held entitled to a sum of **Rs.18,480/- (Rs.3,080 X 6)** on account of ‘**loss of income during the period of treatment**’. During this period of 6 month, he must have engaged an **attendant**, spent some amount on **transportation** and on **special diet**. Accordingly, claimant is held entitled to a sum of **Rs.16,000/-** under these heads.

18. The claimant has suffered multiple grievous injuries as well as permanent disability. Accordingly, claimant is held entitled to a sum of **Rs.15,000/-** on account of ‘**loss of amenities**’.

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

Sr. No.	Head	Amount Awarded (₹)
1.	Loss of Income Due to Permanent disability	2,36,544/-
2.	Pain & suffering	30,000/-
3.	Loss of income (during treatment)	18,480/-
4.	Attendant/transport/special diet	16,000/-
5.	Loss of amenities	15,000/-
	Total	3,16,024/- (rounded off to Rs.3,16,000/-)
	Interest	9%

20. As a result of afore-said discussion, the present appeal is partly accepted with costs and the claimant is held entitled to enhanced compensation of **Rs.1,98,847/- (Rs.3,16,000/- - Rs.1,17,153/-)**, which is **rounded off to Rs.1,99,000/-**, 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. 21.04.1999, till realization.

21. 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.

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

(YASHVIR SINGH RATHOR)
JUDGE

01.04.2026
Vishal Vardhan

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No