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

FAO-2362-2001

Date of decision :14.01.2026

MUNI LAL

...APPELLANT

VERSUS

SOMMI AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Ms. Jasleen Kaur, Advocate
for the appellant.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the injured/claimant-appellant, being aggrieved by award dated 22.01.2002 passed by Motor Accident Claims Tribunal, Karnal (hereinafter referred to as the 'Tribunal') whereby appellant/claimant was granted compensation of Rs. 63,933/- on account of injuries sustained in motor vehicular accident dated 29.12.1997 due to rash and negligent driving of respondent No.1 while driving jeep bearing registration number PB-31/8196.

2. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award regarding issue of negligence recorded by the Tribunal are not being adverted herein for sake of brevity.

3. The Tribunal in the present case has awarded the following compensation :-



Loss of earnings on account of 15% permanent disability	per-	Rs.25,000/-
Pain and sufferings and special diet		Rs.3,000/-
Expenses on hospitalization		Rs.13,500/-
Expenses on medicine charges		Rs.1,933/-
Loss of income for 7 months		Rs.17,500/ (2500 x 7)
Total compensation awarded		Rs.63,933/- (Rs.60,933/- as per correct calculations)

4. Claimant/appellant is aggrieved by the compensation awarded by learned Tribunal and learned counsel for claimant/appellant has submitted that the Tribunal has erred in not taking into consideration the loss of income suffered by the claimant/appellant on account of injuries. It is further submitted that the Tribunal has erred by not determining loss of earning capacity due to permanent disability by taking future prospects in consideration and applying appropriate multiplier as per age of claimant/appellant who was 33 years old at the time of accident. Accordingly, the claimant/appellant has prayed for enhancement of compensation awarded by the Tribunal.

5. It is the case of appellant/claimant that on 29.12.1997 the claimant/appellant was travelling from Karnal to village Birchpur. When the jeep reached near Indra Chakarvarti Gram, respondent no. 1 lost the control of the jeep and the jeep got struck against a tree which caused injuries to appellant/claimant. Appellant/claimant was taken to hospital of Dr. Vijay



Gupta and remained admitted there upto 18.01.1998. In the present case the appellant/claimant had suffered permanent disability to the extent of 15% as per disability certificate Ex.P1 and evidence of Dr. Ravinder Arora PW-2. Appellant-claimant contended that he was earning Rs. 5,000/- per month by manufacturing shoes. Therefore, an assessment of loss of earning capacity is necessary. However, no cogent evidence to prove pleaded income of claimant/appellant is available except for self serving oral assertions of appellant. Person for whom claimant/appellant was making shoes was not produced nor any document or accounts showing income and expenses was adduced in evidence. Therefore, learned Tribunal has taken monthly income of injured to be Rs.2,500/- which is more than minimum wages of Rs.1,800/- payable to skilled person.

6. Admittedly, PW-3 Dr. Vijay Gupta has proved that he had charged Rs. 11,500/- and Rs. 2,000/- from the appellant/claimant for the medicines and diet. On consideration Learned Tribunal has rightly awarded the compensation under the heads hospital charges, medicine charges, loss of income for 7 months. No fault with the approach of learned Tribunal can be found for awarding compensation under these heads. Permanent disability to the extent of 15% was also rightly concluded on basis of evidence. Accordingly, functional disability is taken to be 15% considering nature of injury and vocation of injured.

7. Addition to the extent of 40% towards future prospects and multiplier of '16' needs to be applied to determine loss of income as



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appellant/claimant was 33 years old at the time of accident. Claimant/ appellant shall also be entitled to compensation of Rs.3,000/- for special diet, attendant charges and transportation, Rs.7,500/- on account of pain and sufferings and Rs.7,500/- for loss of future amenities and prospects. Total loss of earning capacity comes to Rs.1,00,800/- and accordingly granted.

8. In view of the above appellant- claimant is entitled to the following compensation :-

Income of the injured	Rs. 2,500/-per month (as taken by learned Tribunal)	Rs. 2,500/-per month
Future prospects	40% (2,500+1000)	Rs. 3,500/-
Loss as per 15% functional disability	2,500 x 15/100	Rs.525/-
Multiplier	16	16
Total loss of income	525 x 12 x 16	Rs.1,00,800/-
Special diet, transportation and attendant expenses		Rs.3,000/-
Pain & Sufferings		Rs.7,500/-
Hospital charges	Rs. 13,500/- (as awarded by Tribunal)	Rs. 13,500/-
Medicine charges	Rs. 1,933/- (as awarded by Tribunal)	Rs1,933/-
Loss of income for period of 7 months	Rs. 17,500/- (as awarded by Tribunal)	Rs. 17,500/-



Loss of future amenities and future prospects		Rs.7,500/-
Compensation awarded by Tribunal	Rs.60,933/-	
Compensation awarded in appeal		Rs.1,51,733/-
Enhancement in compensation	Rs.1,51,733/- (awarded in appeal) - Rs.60,933/- (awarded by Tribunal)	Rs.90,800/-

9. Appeal is accordingly allowed in above terms. Appellant shall be entitled to enhanced compensation along with 7.5% interest from date of filling claim petition till realization. Apportionment and liability to pay compensation shall be as per the award.
10. Pending application(s), if any, stand disposed of.

14.01.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No