



FAO-2702-2001(O&M)

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

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Reserved on: 06.05.2026

Pronounced on: 20.05.2026

Uploaded on: 21.05.2026

Daya Nand Constable

.....Appellant

Versus

Raj Pal and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Maneet Kaushik, Advocate, for
Mr. Ashit Malik, Advocate,
for the appellant.

Service of Respondent No.1 is dispensed with,
vide order dated 16.07.2025.

Mr. Ravinder Singh Rawal, AAG, Punjab
for the respondent Nos. 2 and 3.

AMARINDER SINGH GREWAL, J.

1. The present appeal has been filed by the appellant-claimant seeking enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Panipat (hereinafter "*the Tribunal*"), vide award dated 22.11.2000, whereby a sum of ₹1,00,000/- was granted on account of injuries sustained by him in a Motor Vehicle Accident dated 15.08.1995 due to rash and negligent driving of respondent No.1.

2. Succinctly, the facts of the case are that on 15.08.1995, the petitioner Daya Nand, alongwith Constable Sant Ram and Constable Balbir Singh, was travelling in a three-wheeler to Police Line, Panipat and when the said three-wheeler reached in front of Khadi Ashram on G.T. Road, Panipat, a bus bearing registration No. PB-12B-9306 (hereinafter referred to

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as ‘offending vehicle’) belonging to Punjab Roadways and being driven by respondent No.1 in a rash and negligent manner came from the wrong side and struck against the three-wheeler. As a result thereof, the petitioner suffered multiple injuries. Consequently, a claim petition was filed by the claimant-appellant, seeking compensation on account of the injuries sustained in the accident. The learned Tribunal, vide award dated 22.11.2000, granted a total compensation of ₹1,00,000/-, and being dissatisfied with the quantum so awarded, the claimant has preferred the present appeal seeking enhancement.

3. Learned counsel for the appellant-claimant contended that the learned Tribunal, while rightly holding that the accident had occurred due to the rash and negligent driving of the offending vehicle by respondent No.1, erred in awarding meagre compensation and failed to properly appreciate the nature and extent of injuries suffered by the appellant. Further, it was contended that the appellant was serving as a Constable in Haryana Police and was about 50 years of age at the time of accident. The counsel contended that the appellant had suffered multiple grievous injuries including fracture of mandible and shoulder and besides undergoing prolonged treatment for several months, he had also remained admitted in PGI, Rohtak for about 18 days, whereas, only a sum of Rs.15,000/- was awarded towards medical expenses despite unrebutted evidence showing expenditure of about Rs.50,000/-. Furthermore, it was submitted that the amount awarded towards special diet was wholly inadequate in view of the prolonged treatment, hospitalization and permanent disability of 30% suffered by the appellant. Additionally, he submitted that the learned

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Tribunal failed to adequately compensate the appellant towards pain and suffering, future loss of income and loss of amenities of life, even though it had been brought on record that due to the permanent disability, he could no longer effectively perform driving duties and his chances of future promotion and higher pensionary benefits had also been adversely affected. Subsequently, it was contended that no compensation had been awarded towards transportation charges and attendant charges incurred during the treatment period. Lastly, it was prayed that the impugned award be suitably modified and the compensation amount be enhanced in accordance with the claim made by the appellant.

4. *Per contra*, learned counsel for respondent Nos.2 and 3 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 appeal.

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

6. In the present case, the claimant was serving as a Constable in Haryana Police and had suffered multiple grievous injuries in the motor vehicular accident dated 15.08.1995, including fracture of mandible and fracture of shoulder, for which he remained admitted in PGI, Rohtak for about 18 days and continued to undergo treatment for nearly six months. As per the disability certificate Ex. PB and the testimony of PW-3 Dr. Gulshan Najaj, the claimant suffered 30% permanent disability on account of post-

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traumatic deformity of the left hand. It is well settled that permanent disability and functional disability are not synonymous, as the latter has to be assessed with reference to the nature of avocation of the injured and its impact on his earning capacity and efficiency. Though the claimant continued in service, yet the permanent disability affecting the left hand would necessarily impair his functional efficiency and future earning capacity. Hence, keeping in view the nature of avocation of the claimant, the functional disability is assessed at 15%.

7. The claimant has pleaded that he was earning ₹4,200/- however, in the absence of any cogent evidence to substantiate his income, the same is required to be assessed on the basis of salary of a Constable prevailing at the relevant time in Haryana, i.e. ₹3050/- per month. Further, in view of the law laid down by the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi (2017) 16 SCC 680**, an addition of 15% (₹457/-) towards future prospects is warranted, thereby taking the monthly income to ₹3,507/- and annual income to ₹42,090/-. The disability has been assessed at 15%. Applying the multiplier of 13 as per **Sarla Verma v. Delhi Transport Corporation 2009 (6) SCC 121**, the loss of future earning capacity is assessed at ₹82,075/- ($₹42,090 \times 15\% \times 13$). The amount of ₹15,000/- awarded towards medical expenses appears to be just and reasonable and, therefore, does not warrant interference.

8. However, the claimant, had suffered fractures and remained immobilized for a considerable period, resulting in pain, trauma and prolonged discomfort. Accordingly, the amount of ₹80,000/- awarded by the learned Tribunal towards pain and suffering is retained. Further,



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considering the duration of treatment and the attendant circumstances, a consolidated amount of ₹20,000/- is awarded towards transportation, special diet and attendant charges. Furthermore, an amount of ₹20,000/- is awarded towards loss of amenities and enjoyment of life, considering the permanent restriction in movement and the discomfort likely to persist throughout the claimant’s remaining years. Consequently, the total compensation payable to the claimant is re-assessed at ₹2,17,075/-, and the award stands enhanced to the aforesaid extent.

<i>Heads</i>	<i>Amount</i>
Loss of future earning capacity	₹82,075/-
Medical expenses	₹15,000/-
Pain and suffering	₹80,000/-
Transportation, special diet and attendant charges	₹20,000/-
Loss of amenities and enjoyment of life	₹20,000/-
Total	₹2,17,075/-

9. 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 all the respondents to the appellant-claimant.

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

(AMARINDER SINGH GREWAL)
JUDGE

May 20, 2026

Shubham/Sanchi

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