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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****FAO No.2762 of 2001 (O&M)****Date of decision: 22.01.2026****BALJIT SINGH****... APPELLANT****VERSUS****SHINGARA SINGH AND ANOTHER****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Ms. Harpreet K. Gill, Advocate
for the Appellant.

Mr. M.S. Longia, Advocate with
Mr. Saurabh Bahmani, Advocate
for respondent No.1.

Mr. Pardeep Goyal, Advocate with
Ms. Ayushi Jain, Advocate
for respondent No.2.

VIRINDER AGGARWAL,J (ORAL).

1. This Appeal is directed against the award dated 20.12.2000 passed by the Motor Accidents Claims Tribunal, Rupnagar, whereby the learned Tribunal awarded a compensation of ₹1,00,000/- along with interest at 12% per annum to the appellant/claimant on account of injuries sustained in a motor vehicular accident.

BACKGROUND FACTS

2. The facts leading to the present appeal, in brief, are that on 17.07.1998, the injured appellant was travelling as a pillion rider on a scooter bearing registration No. PB-65-1812, driven by Jaspal Singh, proceeding from Kharar towards Ropar for filing an election petition before the Election Tribunal, Ropar (Deputy Commissioner). When the scooter reached near the

old bus stand, Ropar, at about 1:15 PM, a Maruti car bearing registration No. JK-02-C-0191, driven by respondent No.1 in a rash and negligent manner, struck against the scooter. As a result of the said accident, the appellant sustained multiple injuries. The appellant was initially treated at Civil Hospital, Ropar, and subsequently underwent surgery at K.D. Hospital, Ambala. Consequently upon the accident, a claim petition came to be filed by the injured appellant under Section 166 of the Motor Vehicles Act before the learned Motor Accident Claims Tribunal, Rupnagar, seeking compensation of ₹ 5,00,000/- under various heads.

3. Upon appreciation of the oral and documentary evidence led by the parties, the learned Tribunal returned a categorical finding that the accident in question occurred due to rash and negligent driving of the offending Maruti car bearing registration No. JK-02-C-0191 by respondent No.1. The learned Tribunal relied upon the testimony of the injured eye-witness himself as (PW-1), Gurmit Singh as (PW-2) taxi driver who proved conveyance receipts, medical bills (Ex.P-18 to P-34), disability certificate (Ex.P-35), and FIR (Ex.P-3), medico legal report (Ex.P-1). The learned Tribunal further held that respondent No.1 was driving the offending vehicle with a valid and effective driving licence at the time of accident (as proved by Ex.R-1 and Ex.R-2) and that the vehicle was duly insured with respondent No.2 (as per Ex.R-3). Consequently, respondents No.1 and 2 were held jointly and severally liable, with the insurer being liable to indemnify the insured. While determining the quantum of compensation, the learned Tribunal awarded a sum of ₹60,000/- on account of injuries and permanent disability, ₹38,000/- towards medical and transport expenses (rounded from ₹37,952.48 proved via bills and receipts (Ex.P-4 to P-17 and Ex.P-18 to P-34), and ₹2,000/- for pain and suffering,

aggregating to a total sum of ₹1,00,000/-. The learned Tribunal further directed that the awarded amount shall carry interest at the rate of 12% per annum from the date of filing of the claim petition till realization.

CONTENTIONS

4. Learned counsel for the appellant argued that the compensation awarded by the learned Tribunal is grossly inadequate and inconsistent with the settled principles for determining just compensation. It was submitted that the learned Tribunal failed to grant adequate amounts under essential heads such as pain and suffering, loss of amenities, transportation, attendant charges, and special diet and made no addition towards future prospects or loss of earning capacity in light of the 15% permanent disability suffered by the appellant and inadequately assessed loss of income during treatment despite evidence of the appellant being bed-ridden for six months and unable to work efficiently for a year. Reliance was placed on the disability certificate Ex.P-35 and the appellant's profession as an advocate, urging enhancement to ensure fair and reasonable compensation.

5. Per Contra, the learned counsel for the respondent No.1 and 2, while supporting the impugned award, submitted that the learned Tribunal has appreciated the evidence in its correct perspective and has passed the award strictly in accordance with law. It was argued that the claim of injured appellant has been duly considered, and the amounts awarded under various heads are just, proper, and reasonable, particularly since the income of claimant was not proved. It was further contended that no infirmity, perversity, or misreading of evidence can be attributed to the conclusions arrived at by the learned Tribunal so as to warrant interference by this Court in exercise of appellate jurisdiction.

OBSERVATIONS AND FINDINGS

6. I have heard learned counsel for the parties and perused the complete records. On due consideration of the findings recorded by the learned Tribunal, particularly on the issue of negligence and fastening of liability, I find no reason to take a different view. The findings on those aspects, based on the unrebutted testimony of appellant (PW-1), PW-2, and documentary evidence, are accordingly affirmed. However, the core issue arising in this appeal pertains to the reassessment of the quantum of compensation.

7. For the purpose of reassessment of compensation, the primary issue requiring determination is the extent of functional disability for computing loss of future earning capacity. In the instant case, the appellant-claimant is a practising advocate in the Civil Courts, as borne out from his testimony as PW-1 as well as the averments made in the claim petition. The profession of advocacy inherently demands substantial physical mobility, including regular court appearances, standing for prolonged periods during arguments, movement between different courtrooms, interaction with clients, and travel to various judicial forums. The disability certificate (Ex. P-35), issued by an Orthopaedic Specialist and duly proved on record, certifies that the appellant has suffered 15% permanent physical disability on account of a fracture of the left leg, resulting in shortening of the limb by 2 cm along with stiffness of the left ankle. These impairments have a direct bearing on his professional efficiency. The appellant has categorically deposed that he remained bed-ridden for a period of six months, was unable to attend court work for nearly one year, and continues to experience difficulty in walking and standing for extended durations, thereby adversely affecting his professional performance and earnings. Though the learned Tribunal did not find sufficient material to assess functional disability



impacting earning capacity and instead awarded a lump sum of ₹60,000/- towards disability, this Court, upon reappraisal of the evidence, is of the considered view that the physical disability suffered by the appellant does translate into functional disability. Having regard to the mobility-intensive nature of the profession of an advocate, the functional disability is reasonably assessed at 7.5%. It is well settled that the percentage of physical disability is not determinative by itself rather, the functional impact of such disability on the vocation of the claimant must be evaluated. The Hon'ble Supreme Court in ***Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343***, has emphatically held that compensation towards loss of future earnings must correspond to the actual diminution in earning capacity resulting from the disability suffered.

8. In the present case, the profession of the appellant necessarily demands physical agility, and the impairment suffered in the leg has a direct bearing on his efficiency and earning potential, thereby entitling him to compensation towards loss of future earning capacity. Since the asserted monthly income of ₹10,000/- has not been substantiated on record, the appellant not being an income-tax assessee, his income is required to be assessed on a notional basis. Having regard to the nature of his profession and the year of accident, i.e. 1998, the notional monthly income is reasonably assessed at ₹5,000/-. The age of the appellant, as borne out from the record, is 38 years. Consequently, in the light of the principles laid down by the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi, (2017) 16 SCC 680*** and ***Sarla Verma v. Delhi Transport Corporation, (2009) 6 SCC 121***, the loss of future income on account of permanent functional disability is re-assessed as under:

Particulars	Awarded by Tribunal (₹)	Re-assessed (₹)
Loss of Monthly Income (7.5% Functional Disability)	x	375/- (7.5% of 5,000)
Loss of Monthly Income with Future Prospects (40%)	x	525/- (375 + 150)
Annual Income	x	6,300/- (525 × 12)
Multiplier (Age 38 years)	x	15
Loss of Future Income	60,000/- (lump-sum)	94,500/- (6,300 × 15)

9. Apart from loss of future earning capacity, the claimant is also entitled to just compensation under other pecuniary and non-pecuniary heads. The principles governing such assessment have been authoritatively laid down by the Hon'ble Supreme Court in *Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343*, wherein it has been held that compensation in injury cases must adequately account for medical expenses, pain and suffering, loss of amenities, attendant charges, special diet, conveyance and future medical needs, depending upon the facts of each case. Thus, from the evidence on record and the medical bills (Ex.P-18 to Ex.P-34) and treatment record (Ex.P-1, Ex.P-1/A, Ex.P-2, Ex.P-2/B, Ex.P-35), the claimant remained hospitalized initially at Civil Hospital, Ropar (17.07.1998 to 18.07.1998) and subsequently at K.D. Hospital, Ambala (22.10.1998 to 30.10.1998) where he underwent surgery, incurring expenses of ₹29,459 on medicines and treatment, plus ₹8,500/- on conveyance (proved via receipts Ex.P-4 to Ex.P-17 by PW-2 Gurmit Singh). He was bed-ridden for six months and continues to experience pain, requiring ongoing medication at ₹1,000/- per month. The learned Tribunal awarded ₹38,000/- (rounded) for medical and transport expenses and ₹2,000/- for pain and suffering, but lumped

₹60,000/- for injuries and disability without separate heads. Considering the grievous nature of the fracture, surgical intervention, permanent deformity, and the appellant's testimony of enduring pain and restricted movement, the compensation awarded under these heads by the learned Tribunal are found to be on the lower side and deserve enhancement in view of the nature of injuries and duration of treatment considering the severity of suffering and lifelong impairment. Accordingly, the claimant is held entitled to the following amounts:

Particulars	Awarded by Tribunal (₹)	Re-assessed (₹)
Loss of income during treatment (6 months)	x	30000/-
Medical expenses	38000/-	30,000/- (Round-off)
Transportation		10,000/-
Loss of amenities	x	10,000/-
Attendant	x	5,000/-
Special diet	x	5,000/-
Pain and suffering	2,000/-	15,000/-
Total	40,000/-	₹1,05,000/-

Total Compensation

10. Thus, the total compensation payable to the claimant is reassessed as under:

Particulars	Amount (₹)
Loss of Future Income	₹94,500/-
Other Heads	₹1,05,000/-
Total	₹1,99,500/-

11. In view of the above, the appeal is partly allowed. The impugned award dated 20.12.2000 is modified to the extent that the compensation payable to the appellant is enhanced from ₹1,00,000/- to ₹1,99,500/-. The enhanced



amount shall carry interest at the rate of 7% per annum from the date of filing of the claim petition till realization. Except for the modification of the quantum of compensation, all other findings recorded by the learned Tribunal, including those with regard to negligence, liability and mode of disbursement, shall stand affirmed.

12. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

22.01.2026

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(VIRINDER AGGARWAL)
JUDGE

- (i) *Whether speaking/reasoned* : Yes/No
- (ii) *Whether reportable* : Yes/No