



FAO-4257-2003

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

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FAO-4257-2003

Date of decision :20.01.2026

ISHAK AND OTHERS

... APPELLANTS

VERSUS

JUHRU KHAN AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Kunal Phogat, Advocxate
for the appellants

Mr. Gopal Mittal, Advocate
for the respondent-Insurance Company.

PARMOD GOYAL, J. (ORAL)

1. The appellants-claimants are aggrieved by the award dated 29.05.2003 passed by the Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as 'Tribunal'), vide which compensation amounting to Rs. 1,20,000/-, Rs. 2,000/- and Rs. 5,000/- has been awarded to all the three injured namely Ishak, Ashu @ Ash Mohd. and Nasri, respectively. Appellants-claimants have preferred the present appeal seeking enhancement of the compensation. It is the case of the appellants-claimants that on 23.04.2001, they suffered multiple and grievous injuries in a motor vehicular accident caused due to the rash and negligent driving of respondent No. 1, while driving the offending vehicle bearing registration No. RJ-02G-3248.

2. Learned counsel for the claimants-appellants has argued that injured Ishak had suffered 40% permanent disability and despite the same, neither any multiplier was applied nor any amount towards future prospects was granted, and only a lump-sum amount of Rs. 92,400/- was awarded towards loss of future



earning capacity.

3. Perusal of the award shows that the claimant-injured-Ishak had suffered permanent disability, as proved by doctor-PW-1, who had assessed the disability to the extent of 40% on account of restriction of movement of right hip mildly and right knee moderately. Injured-Ishak was a milk seller, aged about 50 years, and his income was assessed on the basis of minimum wages prevalent at the time of accident i.e. Rs. 2,100/- per month.

4. In these circumstances, the learned Tribunal ought to have applied future prospects and the multiplier and ought to have assessed the loss of future earning capacity after determining functional disability. Keeping in view the nature of permanent disability as stated by PW-1, the functional disability has been rightly assessed by the learned Tribunal to be 35% considering the restriction of movement of hip and knee, nature of vocation of the injured-Ishak and statement of doctor regarding possibility of improvement upto 10%. The assessment of income at Rs. 2,100/- per month does not call for interference in the absence of any specific evidence regarding higher income. Future prospects to the extent of 25% are also required to be taken for determining loss of future earning capacity.

5. Accordingly, after applying the multiplier of 13, as the injured-Ishak was 50 years of age, the total compensation on account of loss of earning capacity due to permanent disability comes to Rs. 1,43,325/-.

6. As far as the other heads are concerned, the amount awarded do not require enhancement, except for pain and sufferings, which deserves to be enhanced from Rs. 10,000/- to Rs. 25,000/-. The appellant-claimant-Ishak is also entitled to a sum of Rs. 25,000/- towards loss of future prospects and amenities of life on account of permanent disability.



7. Accordingly following compensation is payable to the claimant:

Income	Rs. 2,100/- per month (as per minimum wages payable to unskilled worker	Rs. 2,100/- per month (as per minimum wages payable to unskilled worker
25% future prospects	(Rs. 2100 +525)	Rs. 2,625/-
35% functional disability	Rs. 2,625 x 35/100	Rs. 918.75
Multiplier	13	13
Total loss of earning capacity on account of permanent disability	Rs. 918.75 x 13 x 12	Rs. 1,43,325/-
Pain and sufferings	Rs. 10,000/- (awarded by Tribunal	Rs. 25,000/-
Loss of future prospects and amenities		Rs. 25,000/-
Expenses on treatment & special diet	Rs. 10,600/- (awarded by Tribunal)	Rs. 10,600/-
Transportation	Rs. 3,000/-	Rs. 3,000/-
Loss of income	Rs. 4,000/- (awarded by Tribunal)	Rs. 4,000/-
Total compensation awarded by Tribunal	Rs. 1,20,000/-	
Total compensation awarded in appeal		Rs. 2,10,925/-
Enhancement of compensation	Rs. 2,10,925/- (awarded in appeal) – Rs. 1,20,000 (awarded by Tribunal)	Rs. 90,925/-

8. The appellants shall also be entitled to interest at the rate of 7.5% per annum on the enhanced amount from the date of filing of the claim petition till its realization. The apportionment and liability to pay the compensation shall remain the same as determined by the learned Tribunal, with liberty to the Insurance Company to pay and recover, in accordance with law.

9. As regards to the other two appellants-claimants, the evidence on record shows that both of them had suffered only simple injuries. Keeping in view the nature of their injuries and the fact that they were neither subjected to



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hospitalization nor suffered any permanent disability, the total compensation payable to each of them under all heads is assessed at Rs. 10,000/- each, which is awarded accordingly.

- 10. The present appeal is allowed to the aforesaid extent.
- 11. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

20.01.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No