



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

(101)

FAO no. 2855 of 2001(O&M)

Date of Decision: 03.02.2026

Ashok Kumar

... Appellant

Versus

Jal Guggar Alias Shamim Ahmad And Another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Ms. Bhumika Khatri , Advocate for
Mr. Ram Darshan Yadav, Advocate
For the Appellant.

Mr. Sandeep Suri, Advocate
For the Respondent no. 2 - Insurance Company.

VIRINDER AGGARWAL,J.(ORAL)

1. This appeal is directed against the award dated 16.04.2001 passed by the Motor Accidents Claims Tribunal, Rewari, whereby the learned Tribunal awarded a compensation of ₹1,15,000/- along with interest at the rate of 9% per annum from the date of filing of the claim petition to the appellant/claimant on account of injuries sustained in a motor vehicular accident. The said award disposed of two claim petitions arising out of the same accident, one filed by Ranbir Singh and the other by Ashok Kumar (Appellant herein).

BACKGROUND FACTS

2. The facts leading to the present appeal, in brief, are that on 12.08.1996 at about 2.20 p.m., Ashok Kumar (Appellant herein) along with Ranbir Singh were travelling on scooter No. UP-70C-1325 from Pataudi



towards Rewari. When the scooter reached near the railway crossing on Rewari-Jhajjar Road, a truck bearing registration No. DL-IG-0584, coming from the Rewari side and driven by respondent No.1 in a rash and negligent manner, struck the scooter from the front. As a result of the accident, both occupants sustained grievous injuries. Ashok Kumar filed a claim petition seeking compensation of ₹28 lakhs for the injuries suffered by him. It was pleaded that the appellant had been directly recruited to the post of Sub-Inspector in Delhi Police vide appointment letter dated 07.08.1996, Ex.P-36 and Ex.P-37 but on account of the injury sustained to his left eye, he was declared medically unfit and consequently discharged from service. It was further pleaded that the appellant remained hospitalized for a substantial and prolonged period, namely, at medical college, Rohtak from 12.08.1996 to 22.08.1996 and thereafter remained admitted in AIIMS New Delhi upto 03.10.1996. He also remained admitted at AIIMS New Delhi from 04.10.1996 to 18.10.1996. He underwent two surgical procedures first on 12.10.1996 and secondly on 30.10.1996. It was asserted that no further improvement in the condition of his left eye was possible and that he had been rendered permanently disabled. The appellant also claimed that he was earning about ₹ 5,000/- per month through tuition work.

3. Respondent No.1, in his written statement, has stated that no liability can be fastened upon him because the truck involved in the accident was insured with respondent no. 2 and that no accident has occurred with the driver of the truck no. DL-IG-0584. Respondent No.2 – Insurance Company, in its written statement, pleaded that the claim petition was bad for non-joinder of necessary parties, as the owner, driver and insurer of scooter No.



UP-70C-1325 had not been impleaded. It was further pleaded that the accident occurred due to rash and negligent driving of the scooter by Ashok Kumar himself. Replications were filed on behalf of the claimants controverting the averments made by the respondents and reiterating the case set up in the claim petitions.

4. Upon appreciation of the oral and documentary evidence, the learned Tribunal held that the accident in question was caused due to rash and negligent driving of truck bearing registration No. DL-IG-0584 by respondent No.1. Reliance was placed upon the testimony of Ashok Kumar (PW-3) which was supported by Ranbir Singh (PW-5), contents of the FIR Ex.PW-3/1. Dr. Chander Shekhar (PW-2), who deposed that Ashok Kumar was medico-legally examined on 12.08.1996 and as per MLR, three injuries were found on his person. The Tribunal noticed that the Appellant proved medical bills Ex.P1 to Ex.P35 and appointment letters Ex.P36 and Ex.P37. Consequently, compensation of ₹1,15,000/- was awarded to Ashok Kumar. Respondents No.1 and 2 were held jointly and severally liable to pay the compensation along with interest at the rate of 9% per annum from the date of filing of the petition till realization.

5. While determining the quantum of compensation, the learned Tribunal awarded ₹25,000/- towards pain and suffering, ₹5,000/- towards medical expenses, ₹50,000/- towards adverse effect on future earning capacity/prospects, ₹10,000/- towards special diet and ₹25,000/- towards loss of work. Thus, the total compensation was assessed at ₹1,15,000/- with interest at 9% per annum from the date of the claim petition till realization.



CONTENTIONS

6. Learned counsel for the appellant contends that the compensation awarded by the learned Tribunal is grossly inadequate and contrary to the settled principles governing determination of just compensation. It is argued that:

- (i) The Tribunal itself noticed that the appellant had been recruited as a Sub-Inspector in Delhi Police and was discharged due to eye injury, yet failed to properly assess the resultant loss of earning capacity. The pay scale mentioned in Ex.P37 is ₹1640-60-2600 EB-75-2900.
- (ii) Only ₹5,000/- has been awarded towards medical expenses despite prolonged treatment at Medical College, Rohtak and AIIMS, New Delhi.
- (iii) The amount of ₹25,000/- awarded towards pain and suffering is inadequate considering that the appellant underwent two surgeries and suffered permanent eye disability.
- (iv) The amount awarded towards special diet is on the lower side.
- (v) No amount has been awarded towards loss of amenities of life, transportation charges and other incidental expenses.

It is, therefore, prayed that the award deserves enhancement.

7. On the other hand, learned counsel for respondent No.2 submits that the award passed by the learned Tribunal is just and reasonable. It is argued that the appellant failed to produce any disability certificate or expert medical evidence to establish the extent of permanent disability. It is further contended that the appellant is well educated and continues to earn through tuition work and, therefore, cannot claim total loss of earning capacity. It is



also submitted that the Tribunal has already taken a liberal view while awarding compensation and no interference is called for.

OBSERVATIONS AND FINDINGS

8. I have heard learned counsel for the parties and perused the record. The finding of the learned Tribunal on the issue of negligence is based on proper appreciation of evidence and calls for no interference. Accordingly, the finding on negligence and the fastening of joint and several liability upon respondents No.1 and 2 are affirmed. The only surviving issue in the present appeal is with regard to the quantum of compensation, which is examined hereinafter.

9. For the purpose of reassessment of compensation, the first issue requiring determination is the extent of functional disability so as to compute the loss of future earning capacity. The MLR of appellant available on record, the medical record, particularly Ex.P-39 to Ex.P-43 coupled with the hospital treatment papers available on record, establishes that the appellant suffered serious injury to his left eye and that no further improvement in the said injury was possible. The evidence on record clearly indicates permanent impairment of vision of the left eye. The appellant had been selected for appointment to the post of Sub-Inspector in Delhi Police, a post which necessarily requires full medical fitness and proper vision. Owing to the said injury, the appellant was declared medically unfit and was discharged from the said service.

10. The learned Tribunal awarded a lump sum amount of ₹50,000/- towards adverse effect on future earning capacity. In the considered opinion of this Court, the said amount does not reflect the true impact of the permanent disability or actual extent of the functional disability suffered by the appellant



and requires substantial enhancement. Applying the principles laid down by the Hon'ble Supreme Court in ***Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343***, wherein it has been held that functional disability must be assessed with reference to the impact on earning capacity and not merely the percentage of physical disability. In the present case, though the medical disability pertains to one eye only, the functional disability qua the chosen profession of the appellant is required to be treated as 100%, as the appellant has been rendered incapable of pursuing the career for which he had been selected.

11. The appointment letters Ex.P36 and Ex.P37 demonstrate that the appellant had been selected for the post of Sub-Inspector in Delhi Police and the pay scale attached thereto was ₹1640-60-2600 EB-75-2900. Although precise proof of actual prospective salary is not available, keeping in view the nature of the post, the pay scale, and the prevailing wage structure at the relevant time, this Court deems it appropriate to assess the monthly income of the appellant at ₹5,000/- on a reasonable estimation basis.

12. Accordingly, applying the principles laid down in ***Sarla Verma v. Delhi Transport Corporation, (2009) 6 SCC 121*** and ***National Insurance Company Ltd. v. Pranay Sethi, (2017) 16 SCC 680***, the loss of future earning capacity on account of permanent functional disability is re-assessed hereinafter.

Particulars	Award by Tribunal (₹)	Reassessed Amount (₹)
Loss of Monthly Income (100% Functional Disability)	x	5,000/-
Loss of Monthly Income with Future Prospects (50%)	x	7,500/- (5000 + 2500)
Loss of Annual Income	x	90,000/- (7500 × 12)



Multiplier (Age 25 years)	x	18
Total Loss of Future Income	50,000/-	16,20,000/- (90,000 × 18)

13. 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 assessment of such compensation stand authoritatively settled by the Hon'ble Supreme Court in ***Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343***, wherein it has been held that in injury cases, compensation must adequately cover medical expenses, loss of income during treatment, pain and suffering, loss of amenities of life, attendant charges, special diet, transportation and future medical requirements, depending upon the facts of each case. In the present case, the evidence on record, including the testimony of the injured claimant Ashok kumar (PW-3), Ranbir Singh (PW-5), Dr. Chander Shekhar (PW-2), who deposed that Ashok Kumar was medico-legally examined on 12.08.1996 and as per MLR ,three injuries were found on his person and hospital record of the AIIMS New Delhi and Rohtak ,duly establishes the seriousness of the injuries and prolonged treatment undergone by the claimant. The documentary evidence comprising medical bills (Ex.P-1 to Ex. P-35 and record of hospitals Ex.P-39 to Ex.P-44, further corroborates the same. The claimant remained hospitalized for a substantial and prolonged period, namely, at medical college, Rohtak from 12.08.1996 to 22.08.1996 and thereafter remained admitted in AIIMS New Delhi upto 03.10.1996. He also remained admitted at AIIMS New Delhi from 04.10.1996 to 18.10.1996 . He underwent two surgical procedures first on 12.10.1996 and secondly on 30.10.1996.



14. The compensation awarded by the learned Tribunal awarded ₹ 25,000/- towards pain and suffering, ₹5,000/- towards medical expenses, ₹ 50,000/- towards adverse effect on future earning capacity/prospects, ₹ 10,000/- towards special diet and ₹25,000/- towards loss of work. The same does not adequately reflect the gravity of the injuries, the prolonged hospitalisation, the multiple surgeries, the intense physical and mental trauma suffered, and the lifelong crippling effect of the disability. In view of the aforesaid circumstances, the claimant is held entitled to enhanced compensation under the following heads:

Particulars	Re-assessed Compensation (₹)
Pain and suffering	50,000/-
Medical expenses	25,000/-
Transportation	10,000/-
Attendant	10,000/-
Special diet	20,000/-
Loss of income during treatment	15000/-
Loss of amenities	15000/-
Total	1,45,000/-

Total Compensation

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

Particulars	Amount (₹)
Total Loss of Future Income	16,20,000/-
Other Heads	₹1,45,000/-
Total	₹17,65,000/-

16. In view of the above, the appeal is **partly allowed**. The impugned award dated 16.04.2001 is modified to the extent that the compensation



payable to the appellant is enhanced from ₹1,15,000/- to ₹17,65,000/-. 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.

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

03.02.2026

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(VIRINDER AGGARWAL)
JUDGE

(i) Whether speaking/reasoned : Yes/No

(ii) Whether reportable : Yes/No