



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

(101)

FAO No.3858 of 2001(O&M)

Date of decision: 22.04.2026

RUPINDER KUMAR

... APPELLANT

VERSUS

BALJIT PAL AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Jatinder Nagpal, Advocate,
for Appellant.

Ms. Bhavna Kapur, Advocate
for respondent No.2 (Through VC).

Mr. R.C. Gupta, Advocate
for respondent No.3.

VIRINDER AGGARWAL,J.

1. The present appeal has been preferred by the appellant seeking enhancement of the compensation awarded vide award dated 07.06.2001 passed by the learned Motor Accident Claims Tribunal, Patiala, on account of the injuries sustained by Rupinder Kumar, in a motor vehicular accident.

BACKGROUND FACTS

2. The brief facts of the case are that on 12.06.1995, the appellant-claimant, Rupinder Kumar, was travelling as a passenger in a bus bearing registration No. PB-09/A-3600 from Patiala to Sirhind along with his brother-in-law. During the journey, a dispute arose with the conductor regarding payment of fare in smaller



denominations. On this, the conductor misbehaved with the appellant and forcibly pushed him towards the front door of the bus. The driver, instead of preventing such conduct, started the bus in a rash and negligent manner while the appellant was in the process of alighting, causing him to fall from the moving bus and sustain multiple injuries resulting in permanent disability. The appellant was initially given treatment locally and thereafter admitted to Rajindra Hospital, Patiala. He subsequently filed a claim petition under Section 166 of the Motor Vehicles Act before the learned Motor Accident Claims Tribunal, Patiala. After appreciating the evidence on record, the learned Tribunal awarded a sum of ₹35,000/- along with interest @ 9% per annum, holding the driver, conductor and owner of the bus jointly and severally liable to pay the compensation.

CONTENTIONS

3. Learned counsel for the appellant contended that the compensation awarded by the learned Tribunal is grossly inadequate and is not commensurate with the nature of injuries and suffering endured by the appellant. It was argued that the learned Tribunal failed to award compensation under various settled heads, including pain and suffering, loss of amenities, transportation, attendant charges and special diet, and instead granted a meagre lump sum of ₹35,000/-. It was further submitted that despite the appellant having suffered permanent disability to the extent of 15%, no compensation was awarded on that account. On these grounds, it was urged that the impugned award deserves to be enhanced to ensure grant of just and reasonable compensation in accordance



with law.

4. Per Contra, the learned counsel for the respondent No. 2 and 3, 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. 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

5. 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. Those findings are accordingly affirmed. However, the core issue arising in this appeal pertains to the reassessment of the quantum of compensation.

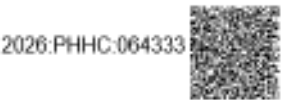
6. For the purpose of reassessment of compensation, the primary issue that arises for consideration is the extent of functional disability and its impact on the earning capacity of the appellant. In the present case, the appellant-claimant Rupinder Kumar was travelling as a passenger in the offending bus at the time of the accident and sustained grievous injuries, including fractures of the right leg below the knee and right ankle. The medical evidence on record,



particularly the testimony of CW-6, establishes that the appellant has suffered permanent disability to the extent of 15% in the right lower limb. The evidence further indicates that the said disability has had a lasting impact on the appellant's mobility and his ability to perform physical work efficiently. However, the learned Tribunal failed to undertake a proper assessment of the loss of future earning capacity and confined the award to a lump sum amount without applying the settled principles governing determination of functional disability.

7. Upon a holistic reappraisal of the evidence, this Court is of the considered view that although the physical disability has been assessed at 15%, the same would have a direct bearing on the appellant's functional capacity, particularly in work involving mobility and physical exertion. However, in the absence of cogent evidence demonstrating a higher loss of earning capacity, the functional disability is reasonably assessed at 20% for the purpose of computation. It is well settled that it is the functional impact of the disability on the earning capacity and future prospects of the claimant which is determinative. In this regard, reliance may be placed on the judgment of the Hon'ble Supreme Court in *Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343*, wherein it has been authoritatively 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 injuries sustained by the appellant have a significant bearing on his future efficiency, earning capacity and overall



enjoyment of life, thereby entitling him to compensation towards loss of future earning capacity. However, there is no clear evidence on record regarding his exact income. The appellant can safely be treated as a person engaged in manual labour and, therefore, keeping in view the year of accident i.e. 1995, the notional monthly income of the appellant is reasonably assessed at ₹1500/-, considering the prevailing standards for a manual labourer during the relevant period.

9. Further, it is pertinent to note that the record pertaining to the age of the claimant is not available, the same having been reported to be destroyed in a fire incident in this Court. In such circumstances, a reasonable assumption is required to be made for the purpose of applying the multiplier. Accordingly, adopting a balanced approach, a multiplier of 9 is considered just and appropriate in the facts of the present case. Similarly, in the absence of specific evidence regarding future prospects, a reasonable addition is required to be made keeping in view the nature of employment of the appellant as a manual labourer. Accordingly, an addition of 25% towards future prospects is considered just and appropriate. Consequently, in the light of the principles laid down by the Hon’ble Supreme Court in *Sarla Verma v. Delhi Transport Corporation, (2009) 6 SCC 121* and *National Insurance Company Limited v. Pranay Sethi, (2017) 16 SCC 680*, the loss of future income on account of permanent functional disability is assessed as under:

Particulars	Re-assessed (₹)
Monthly Income (20% Functional Disability)	1,500/-



Monthly Income with Future Prospects (25%)	1,875/- (1,500 + 375)
Annual Income	22,500/- (1,875 × 12)
Multiplier	9
Loss of Future Income	2,02,500/- (22,500 × 9)

10. 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. In the present case, from the evidence on record, including the treatment record and statements, it is evident that the claimant remained admitted in hospital for about five days and sustained grievous injuries, including fractures of the right leg below the knee and right ankle along with shortening of the right leg, resulting in 15% permanent disability. The injuries have led to restricted mobility and continuing hardship in day-to-day life. Considering the nature of injuries, period of treatment, permanent disability, pain and suffering, and the long-term impact on the appellant’s lifestyle and earning capacity, this Court is of the view that the lump sum compensation awarded by the learned Tribunal is on the lower side and warrants enhancement. Accordingly, the claimant is held entitled to the following amounts:

Particulars	Re-assessed (₹)
Loss of income during Hospitalisation and treatment	5,000/-
Medical expenses	10,000/-
Transportation	5,000/-
Special Diet	5,000/-
Loss of amenities	10,000/-
Attendant	5,000/-
Pain and suffering	10,000/-
Total	₹50,000/-

Total Compensation

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

Particulars	Amount (₹)
Loss of Future Income	₹2,02,500/-
Other Heads	₹50,000/-
Total	₹2,52,500/-

12. In view of the above, the appeal is partly allowed. The impugned award dated 07.06.2001 is modified to the extent that the compensation payable to the appellant is enhanced from 35,000/- to ₹2,52,500/-. 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.



FAO No.3858 of 2001 (O&M) 8

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

(VIRINDER AGGARWAL)
JUDGE

22.04.2026

Poonam

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