

2026:PHHC:042613



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

227

FAO-221-2004

Date of decision :18.03.2026

BALDEV SINGH

... APPELLANT

VERSUS

BAJ SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None for the appellant.

Mr. Lalit Garg, Advocate
for the respondent-Insurance Company.

PARMOD GOYAL, J. (ORAL)

1. Present appeal has been preferred by the injured/appellant claimant- Baldev Singh (now deceased), who had suffered injuries in motor vehicular accident dated 22.05.2001, on account of rash and negligent driving by respondent No.1 while driving Tata Sumo bearing registration No. HR-01-F-2060.
2. Being aggrieved by the impugned award dated 01.09.2003, passed by the Motor Accident Claims Tribunal, Patiala (hereinafter referred to as '**Tribunal**'), vide which the appellant-claimant was found entitled to total compensation of Rs.2,50,000/-, the appellant-claimant is seeking enhancement of compensation awarded by the Tribunal as the same is not accordance with his entitlement.

3. It is the case of injured appellant-claimant that he along with his son was going on a scooter from Patiala to Devigarh, when they reached near Guthmara a Tata Sumo been driven by respondent No. 1 in a rash and negligent manner came from the opposite side and rammed against the scooter of the injured appellant claimant. Due to this the injured appellant- claimant was dragged by the Tata Sumo causing multiple injuries on both the legs. The son of the injured appellant claimant also sustained multiple injuries. Issue regarding accident was decided in favour of claimant and is not being challenged in this appeal.

4. Leaned counsel for claimant-appellant has sought enhancement of compensation on the following grounds that :

- Learned Tribunal has erred in not granting compensation on the basis of functional disability to the extent of 70% (as permanent disability is 70%).
- Income of injured-appellant-claimant was not assessed by the Learned Tribunal.
- Future prospects were not added while determining loss of earning capacity. Future prospects to the extent 25% of monthly income needs to be added as the injured appellant-claimant was 45 years of age at the time of accident.
- Learned Tribunal has erred in not applying multiplier as per the age of the appellant-claimant. Multiplier of '14' ought to have been applied by the learned Tribunal.
- Sufficient compensation for loss of future prospects and future amenities, for loss of income during treatment and for future

medical expenses has not been granted to which appellant claimant is entitled to.

- Enhancement of compensation for medical expenses & other expenses and pain and sufferings being insufficient in view of nature of injuries, nature of treatment and period of hospitalisation, was also sought.

5. Learned Tribunal had granted following compensation to appellant/claimant :-

Pain and sufferings	Rs.50,000/-
Loss of future earnings	Rs.1,80,000/-
Total Compensation awarded	Rs.2,50,000/-

6. It is the claim of appellant-claimant that he remained admitted in Rajindra Hospital, Patiala for a period of 30 days. He stated that his right leg was amputated above the knee and his eye sight was also affected. He also received injuries on his right shoulder, right arm. He further stated that he used crutches for walking. Disability certificate is Ex. A.1 and medical bills Mark A1 to A22 were duly placed on record and were relied upon.

7. Dr. B.S Sohal who appeared as AW-4 stated that the right leg of injured appellant claimant was amputated and left side of his nose starting from the tip of the nose upper end of the nasal bridge was injured.

8. Dr. J.P. Goyal who appeared as AW-6 stated that the injured appellant claimant had suffered amputation of right lower limb above the right knee joint 12 inch below anterior superior iliac spine. AW-6 further proved that

the injured appellant claimant had suffered permanent disability to the extent of 70% vide Ex.A-1.

9. Keeping in view medical bills Ex. A-1 to A-22 amounting to Rs. 17,497/-nature of injuries and stay in hospital the injured- appellant-claimant is entitled for the compensation of Rs.30,000/- under the head medical expenses, transportation, special diet and attendant charges.

10. Appellant/claimant has been awarded compensation of Rs.50,000/- towards pain and sufferings, however, considering in view nature of injuries i.e. multiple fractures, amputation of leg and period of hospitalization, the amount awarded by learned Tribunal needs enhancement and accordingly compensation for pain and sufferings is enhanced to Rs. 75,000/-.

11. Appellant-claimant claimed that he was working as an agriculturist and cultivating 10 acres of land and also engaged in doing business of dairy farming. He further claimed that on account of amputation of his right leg he was not in a position to do the work. However, no documentary evidence has been produced to show the income and vocation of the injured appellant-claimant. In absence of any cogent evidence to show income and vocation of the injured appellant injured minimum wages payable to an unskilled worker shall be applicable for calculating loss of earning capacity. At the time of the accident minimum wages payable to an unskilled worker was Rs.1,964/- accordingly, monthly income of appellant/claimant is taken as Rs.1,964/-. Since appellant/claimant had remained admitted in the hospital for about 30 days and had suffered multiple fractures and his leg was amputated, therefore, it can safely be assumed that appellant-claimant must have remained out of work for

at least five months and accordingly, amount of Rs.10,000/- is awarded for loss of earnings during treatment.

12. Appellant/claimant has placed reliance upon disability certificate Ex.A1 duly proved by AW-6, wherein disability on account of amputation of leg has been taken to the extent of 70%. Keeping in view the fact that leg of claimant was amputated, it would be appropriate to take functional disability to the extent of 70% as amputation of leg would have resulted in serious loss of earnings in view of the nature of work in which appellant/claimant was concerned.

13. Appellant/claimant was also entitled to addition in income on account of future prospects to the extent of 25% as appellant/claimant was aged 45 years in view of mandate of Hon’ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.**, 2017 (16) SCC 680. Multiplier of ‘14’ shall be applicable in view of **Sarla Verma Vs. Delhi Transport Corporation**, 2009 (3) RCR (Civil) 77, for purposes of calculating loss of earning capacity. Claimant shall also be entitled to compensation of Rs.75,000/- for loss of future prospects of life and amenities. Since no evidence regarding future medical expenses has been placed on record no compensation under this head can be granted.

14. Accordingly, appellant/claimant is entitled to the following reworked compensation :

Income	Rs.1,964/- per month (as per minimum wages)	Rs.1,964/-per month
Future prospects	25% (1964+491)	Rs.2,455/-
70% functional		Rs.1,719/-

disability		
Multiplier	14	14
Loss of earning capacity	Rs.1,719/- x 12 x 14	Rs.2,88,792/-
Pain and sufferings	Rs.50,000/- (by Tribunal)	Rs.75,000/-
Loss of future amenities and future prospects		Rs.75,000/-
Loss of income during treatment		Rs.10,000/-
Medical expenses, attendant charges, transportation and special diet		Rs.30,000/-
Compensation awarded by Tribunal	Rs.2,50,000/-	
Compensation awarded in appeal		Rs.4,78,792/-
Enhanced amount of compensation	Rs.4,78,792/- (awarded in appeal) – Rs.2,50,000/- (awarded by Tribunal)	Rs.2,28,792/-

15. Claimant-appellant shall be entitled to enhanced compensation along with 7.5% interest from date of filling claim petition till realization. Liability of respondents to pay compensation shall be as per the award.
16. Appeal is accordingly allowed in above terms.
17. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

18.03.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No