



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

Date of decision: 08.04.2026

218           FAO-1463-2002

BALJEET ALI

....Appellant

VERSUS

VIJAY KUMAR AND OTHERS

...Respondents

218(1)       FAO-1464-2002

CHARANJIT KAUR AND OTHERS

....Appellants

VERSUS

VIJAY KUMAR AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present :   Mr. Arjun Kapur, Advocate and  
              Mr. Mayank Mathur, Advocate  
              for the appellant(s) in both cases.

Services of respondents No.1 and 2  
dispensed with.

Mr. Atul Gour, Advocate  
for respondent No.3-Insurance Company.

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**YASHVIR SINGH RATHOR. J.(Oral)**

1.           The aforesaid two appeals have been instituted against the Award dated 05.11.2001 passed by Motor Accident Claims Tribunal, Patiala (**for short “Tribunal”**) in the petitions under Section 166 of Motor Vehicles Act, 1988, filed by the appellants, seeking compensation on account of injuries suffered by Baljeet Ali and death of Harjinder Singh.



2. Claim petition No.30 of 28.04.1998, titled Baljeet Ali Vs. Vijay Kumar and others was instituted by claimant-Baljeet Ali, for grant of compensation on account of injuries suffered by him in a motor vehicular accident due to rash and negligent driving on the part of respondent No.1-Vijay Kumar, while driving offending truck No.MP-07-N-2482, owned by respondent No.2 and insured with respondent No.3.

3. Claim petition No.151-T of 02.04.1998, titled Charanjit Kaur and others Vs. Vijay Kumar and others was instituted by wife, daughter, son and mother (since died) of deceased- Harjinder Singh for grant of compensation on account of death of Harjinder Singh in the same accident.

4. From the pleadings of parties, following issues were framed in both petitions by learned Tribunal:-

- “1. Whether death of Harjinder Singh was caused by respondent No.1 by driving truck bearing No.MP-07-N-2482 rashly and negligently?OPP.
2. Whether Baljit Ali claimant received injuries by rash and negligent driving of truck No.MP-07-N-2482 by respondent No.1? OPP.
3. Whether the claimants are entitled to compensation? If so, to what amount and from which of the respondents? OPP.
4. Whether respondent no.1 was not holding a valid and effective driving licence at the time of accident ? OPR.
5. Relief.”

5. Thereafter, the parties led evidence in support of their case.

6. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.45,000/- as compensation to the claimant-



Baljeet Ali, on account of injuries suffered by him. A sum of Rs.4,00,000/- was awarded as compensation to claimants Charanjit Kaur and others on account of death of Harjinder Singh along with interest @ 9% per annum from the date of filing of claim petition till realization payable by respondents No.1 to 3, jointly and severally.

7. Feeling aggrieved, the appeals in hand have been preferred. The material on file has been perused and parties have been heard.

8. The only issue required to be determined in the present appeals relates to the assessment of compensation. Therefore, the entire facts regarding the manner of the accident are not required to be reproduced in detail, as the Tribunal has already held under Issue No.1 that the accident occurred due to the rash and negligent driving on the part of respondent No.1-Vijay Kumar, while driving offending truck No.MP-07-N-2482, which was owned by respondent No.2 and insured with respondent No.3. No appeal or cross-objections have been filed by respondents, challenging the said finding and accordingly finding on issue No.1 is not required to be interfered with.

9. At the very outset, it is pertinent to mention that the record of the appeals as well as the Tribunal has got burnt in a fire incident in the High Court branch and the appeals in hand shall be decided as per facts and evidence discussed in the award passed by the Tribunal.

10. Learned counsel for the appellant in FAO-1463-2002 argued that the Tribunal has not appreciated the facts of the case and evidence on file in the correct perspective while assessing the compensation which is grossly inadequate. The claimant had suffered 20% permanent disability and he has been awarded a



total compensation of Rs.45,000/-, for permanent disability, conveyance, medicines, special diet and pain and sufferings. Learned counsel further argued that the compensation has not been awarded for the pecuniary and non-pecuniary damages as per settled law. Learned counsel prayed that impugned award is thus liable to be set aside and appellant is entitled to enhanced amount of compensation.

11. Learned counsel for the appellants in FAO-1464-2002 argued that the impugned award vide which compensation of Rs.4,00,000/- has been awarded is based on conjectures and surmises and is liable to be set aside and enhanced amount of compensation should be awarded. Learned counsel contended that income of the deceased has been assessed on lower side. Future prospects have also not been added to the monthly income of the deceased contrary to settled provisions of law. No compensation has been awarded under conventional heads i.e. loss of consortium, loss of estate and funeral expenses and he prayed that same be suitably enhanced. Learned counsel for the appellants has pointed out that claimant No.4, who is mother of the deceased, has died and as such, compensation qua share of claimant No.4 be given to her legal heirs.

12. In support of his contentions, learned counsel for the appellants has relied upon 2014 (1) RCR (Civil) 914, **Sanjay Verma Vs. Haryana Roadways**, 2009(6) SCC 121 **Sarla Verma and others Vs. Delhi Transport Corporation and Another**, 2017 (16) SCC 680 **National Insurance Co. Ltd Vs. Pranay Sethi and Other**, 2018 (4) R.C.R. (Civil) 333 **Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & Others**, (2021) 11 SCC 780 **United India Insurance Co. Ltd. Vs. Satinder Kaur**.



13. On the other hand, learned counsel for respondent No.3 argued that the award in question in both petitions is well reasoned and justified. The material on file has been appreciated in the correct perspective while assessing the compensation and no interference in the same is thus called for.

14. **Compensation in FAO-1463-2002, Baljeet Ali Vs. Vijay Kumar and others, arising out of MACT No.30 of 28.04.1998:-**

15. As per version of claimant Baljeet Ali, he had suffered multiple injuries in the accident and he stepped into the witness box as PW2. He stated that he was given first aid in the hospital in Madhya Pradesh and thereafter, he was brought to Punjab. He was treated at the hospital of Dr. Rajinder Singh Sekhon at Ludhiana where he remained admitted for three days. Thereafter, he remained admitted in Rajindra Hospital, Patiala for 7/8 days and he had spent about Rs.2,00,000/- on his treatment and travelling etc. He further stated that he was posted as driver with Kaka Singh on his combine and was getting Rs.4000/- per month as salary and he also used to give him wheat and paddy for consumption for the entire year. He has now become crippled and cannot stand or sit for a long time and has become permanently disabled.

16. To prove the injuries, claimant has examined Dr. H.S. Sohal as PW5, who deposed that the patient namely Baljeet Ali was admitted in Orthopaedics Department of Medical College, Patiala on 26.03.1998 as a case of Post Traumatic Myelopathy and he was discharged on 01.04.1998. He was again admitted on 03.08.2000 with the same complaint and he was treated and discharged on 10.08.2000. No surgical intervention was done and he was prescribed medicines. He tendered the bed head ticket of patient Ex.P2 and the earlier bed head ticket



Ex.P3. He further stated that during initial treatment also, patient was treated conservatively and no surgery was performed. He also tendered the discharge summaries Ex.P4 and Ex.P5 along with the bed head ticket. The report of Body Visions has been annexed where the CT Scan of the patient was conducted, according to which, D11-12 disc shows postero-lateral disc protrusion and Cord ischaemia/myelomalacia at D11-12 level as described in the text above. The patient had also suffered compression collapse of D12 vertebral with mild retropulsion of its posterior fragment causing mild compression of the thecallsac and spinal cord. As such, it is established that the claimant had suffered spinal injuries and as per treatment record, he was also unable to move his both lower limbs and there was loss of sensation below the trunk.

17. PW7 Dr. Rajinder Singla has proved the disability certificate and as per disability certificate Ex.P5 proved by him, the claimant has suffered 20% disability due to post traumatic discogenic syndrome. Learned Tribunal has awarded a lump sum compensation of Rs.20,000/- towards permanent disability and Rs.10,000/- towards pain and sufferings, which is grossly inadequate. However, the claimant was a driver and the disability suffered by him in his spine is affecting his lower limbs and it will certainly diminish his earning capabilities and the avocation or profession he will pursue. The compensation under the head 'loss of income' thus has to be assessed keeping in view the percentage by which his earning capability has been diminished and by applying a suitable multiplier in view of law laid down by Hon'ble Supreme Court in 2010(4) PLR 242 **Yadava Kumar Vs. The Divisional Manager, National Insurance Company Limited.**

18. Besides this, Hon'ble Supreme Court in 2013 (3) RCR (Civil) 934 -



**G.Ravindranath @ R. Chowdary Vs. E. Srinivas and another**, has held that in a case of accident resulting in injuries to the victim, the compensation in personal injury cases should be determined under the following heads:-

**Pecuniary damages (Special damages)**

- (i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing expenditure. food and miscellaneous
- (ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:
  - (a) Loss of earning during the period of treatment;
  - (b) Loss of future earnings on account of permanent disability
- (iii) Future medical expenses.

**Non-pecuniary damages (General damages)**

- (iv) Damages for pain, suffering and trauma as a consequence of the injuries.
- (v) Loss of amenities (and/or loss of prospects of marriage).
- (vi) Loss of expectation of life (shortening of normal longevity).

In routine personal injury cases, compensation will be awarded under heads (i), (ii) (a) and (iv) It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant that compensation will be granted under any of the heads (ii) (b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life.

19. In the present case also, the disability suffered by the claimant has affected his lower limbs. As such, the disability suffered by him will certainly



diminish his earning capability as he will not be able to do his job or routine work and lead his life in the same manner as he was leading prior to the accident. The accident had taken place in the year 1997 and it can be assumed that the claimant must be earning at least Rs.3,500/- per month while working as a driver. Accordingly, income of claimant is taken as **Rs.3,500/-** per month.

20. Claimant was 35 years of age on the date of accident. Accordingly, 40% of amount has to be added to his monthly income towards future prospects in view of law laid down in **Sanjay Verma's case (supra)** and **Pranay Sethi's case (supra)** and after adding the same, his monthly income comes out to **Rs.4,900/- per month (Rs.3,500/- + Rs.1,400/-)**.

21. Claimant has suffered permanent disability to the extent of 20% and the monthly loss of income will thus come to **Rs.980/- (Rs.4,900/- X 20%)** and 'annual loss of income' will come out to **Rs.11,760/- per annum (i.e. Rs.980/- X 12)**.

22. The claimant was 35 years of age and in view of law laid down in **Pranay Sethi's case (supra)** and **Sarla Verma's case (supra)**, multiplier of 16 has to be applied which takes the compensation to **Rs.1,88,160/- (Rs.11,760/- X 16)** on account of 'loss of income' due to permanent disability.

23. The Tribunal has awarded a sum of Rs.10,000/- to the claimant on account of pain and sufferings. The claimant had suffered permanent disability in his lower limbs. It must have taken at least six months for the injuries to heal and during this period, claimant would not have been able to do any work. It is a matter of common knowledge that pain component in such injuries is enormous but Tribunal has awarded a sum of Rs.10,000/- only under the head "pain and



sufferings”, which in my opinion is grossly inadequate. Taking into consideration the severity of the injuries suffered by the claimant, he is held entitled to a sum of **Rs.30,000/-** as compensation on account of ‘**pain and sufferings**’.

24. It must have taken at least six months for the injuries to heal and during this period, claimant would not have been able to do any work and has suffered loss of income. His income has been held to be Rs.3,500/- per month and accordingly, he is held entitled to a sum of **Rs.21,000/- (Rs.3,500/- X 6)** on account of ‘**loss of income during the period of treatment**’.

25. A sum of Rs.5,000/- has been awarded to the claimant for special diet, which in my opinion is grossly inadequate. Claimant is accordingly held entitled to a sum of **Rs.7,500/-** on account of ‘**special diet**’.

26. However, the amount awarded for conveyance and medicines is adequate and no interference in the same is called for.

27. Resultantly, the compensation to be awarded by this Court is assessed as under:-

| Sr. No. | Head                              | Tribunal           | This Court           |
|---------|-----------------------------------|--------------------|----------------------|
| 1.      | Permanent disability              | Rs.20,000/-        | Rs.1,88,160/-        |
| 2.      | Pain & suffering                  | Rs.10,000/-        | Rs.30,000/-          |
| 3.      | Conveyance                        | Rs.5,000/-         | Rs.5,000/-           |
| 4.      | Loss of income (during treatment) | -NIL-              | Rs.21,000/-          |
| 5.      | Special diet                      | Rs.5,000/-         | Rs.7,500/-           |
| 6.      | Medicines                         | Rs.5,000/-         | Rs.5,000/-           |
|         | <b>Total</b>                      | <b>Rs.45,000/-</b> | <b>Rs.2,56,660/-</b> |
|         | <b>Interest</b>                   | <b>9%</b>          | <b>9%</b>            |



28. Accordingly, enhanced compensation payable to claimant comes to Rs. 2,11,660/- (Rs.2,56,660/- - Rs.45,000/-) (**rounded off to Rs.2,12,000/-**).

29. **Compensation in FAO-1464-2002, Charanjit Kaur and others Vs. Vijay Kumar and others, arising out of MACT No.151-T of 02.04.1998 :-**

30. As per version of claimants Charanjit Kaur etc., deceased Harjinder Singh, who was husband of claimant No.1 Charanjit Kaur was aged 27 years and was working as a foreman on the combine of Karnail Singh, who used to pay Rs.4,500/- per month as salary to him. To the same effect is the testimony of PW3 Karnail Singh and he also produced the original registration certificate of the combine Ex. A1. However, during cross-examination, Charanjit Kaur PW1 admitted that her husband was working as a labourer on the said combine. She admitted that she is not in possession of any documentary evidence about payment of wages to her husband and no wages were ever paid to her husband in her presence. PW3 Karnail Singh, who was the employer of the deceased has also not led any cogent and convincing evidence to prove that he was paying him monthly salary of Rs.4,500/- except his self-serving and bald statement. No record has been produced by him to establish this fact and as such, learned Tribunal ignored the oral evidence but assessed the income of the deceased to be Rs.3000/- per month. However, the accident had taken place on 14.11.1997 and since, deceased was working as a foreman/labourer on the combine, some amount of guesswork has to be applied in assessing his monthly income as claimants cannot be expected to maintain the record of his income. Accordingly, the monthly income of deceased is taken as Rs.3,500/- per month.

31. Claimant has alleged that deceased was 27 years of age. However, as



per post-mortem report Ex.P6, his age is mentioned as 28 years. This age must have been disclosed to the doctor by the family members of the deceased and accordingly, age of deceased is taken as 28 years. Accordingly, 40% amount has to be added to the monthly income of the deceased towards future prospects in view of law laid down in **Pranay Sethi's case (supra)**, which takes his income to **Rs.4,900/- per month (Rs.3,500/- + Rs.1,400/-)**.

32. Deceased has left behind four dependents including his wife, two minor children and mother and accordingly, 1/4th of the income has to be deducted towards personal and living expenses as per law laid down in **Sarla Verma's case (supra)** and after deducting the same, the monthly loss of dependency comes out to Rs.3,675/- and the annual loss of dependency comes out to **Rs. 44,100/- (Rs.3,675/- X 12)**.

33. Since deceased was 28 years of age, multiplier of 17 has to be applied in view of the guidelines laid down in **Sarla Verma's case (supra)**, and after applying the same, the total loss of dependency comes out to **Rs.7,49,700/- (Rs. 44,100/- x 17)**.

34. In addition to this, claimant No.1 (wife of the deceased) is held entitled to a sum of **Rs.70,000/-** under conventional heads i.e. **Rs.40,000/-** towards loss of consortium, **Rs.15,000/-** towards loss of estate and **Rs.15,000/-** on account of funeral expenses, as per law laid down in **Pranay Sethi's case (supra)**. Likewise, claimants No.2 and 3 (daughter and son of the deceased) and claimant No.4 (mother of the deceased) are also held entitled to a sum of Rs.40,000/- each on account of loss of parental and filial consortium, in view of law laid down in **Nanu Ram's case (supra)** and **Satinder Kaur's case (supra)**, which takes the



compensation to **Rs.9,39,700/-** (Rs.7,49,700/- + Rs.1,90,000/-).

35. Accordingly, the compensation to be awarded to the appellants/claimants is assessed as under:-

| S.No. | Under Head                                                                                                |                                   |
|-------|-----------------------------------------------------------------------------------------------------------|-----------------------------------|
| 1.    | Monthly income of deceased                                                                                | Rs.3,500/- per month              |
| 2.    | Age of deceased                                                                                           | 28 years                          |
| 3.    | Future prospects @40%                                                                                     | Rs.1400/-                         |
| 4.    | Total income                                                                                              | Rs.4900/-                         |
| 5.    | Number of dependents                                                                                      | 4                                 |
| 6.    | Deduction towards personal expenses of the deceased                                                       | Rs.1225/- (1/4th)                 |
| 7.    | Monthly loss of dependency                                                                                | Rs.3,675/-                        |
| 8.    | Annual loss of dependency                                                                                 | Rs. 44,100/- (Rs.3,675/- X 12)    |
| 9.    | Multiplier                                                                                                | 17                                |
| 10.   | Compensation on account of Loss of dependency                                                             | Rs.7,49,700/- (Rs. 44,100/- x 17) |
| 11.   | Compensation under conventional heads to claimant No.1- wife                                              | Rs.70,000/-                       |
| 12.   | Compensation to remaining claimants for loss of parental and filial consortium (daughter, son and mother) | Rs.1,20,000/- (Rs.40,000/- x 3)   |
| 13.   | <b>Total Compensation</b>                                                                                 | <b>Rs.9,39,700/-</b>              |
| 14.   | Interest                                                                                                  | 9%                                |

36. Accordingly, enhanced compensation payable to claimants comes to Rs. 5,39,700/- (Rs.9,39,700/- - Rs.4,00,000/-) **(rounded off to Rs.5,40,000/-)**.

37. As a result of aforesaid discussion, both the aforesaid appeals are partly accepted with costs.

38. In FAO No.1463-2002, appellant-Baljeet Ali is held entitled to a sum of Rs.2,12,000/- as enhanced compensation over and above the compensation awarded by the Tribunal along with interest at the rate of 9% per annum from the date of filing of claim petition i.e. 28.04.1998 till realization payable by respondents jointly and severally.



39. In FAO-1464-2002, appellants Charanjit Kaur etc. are held entitled to a sum of Rs.5,40,000/- as enhanced compensation over and above the compensation awarded by the Tribunal along with interest at the rate of 9% per annum from the date of filing of claim petition i.e. 02.04.1998 till realization payable by respondents jointly and severally. Out of the enhanced compensation, a sum of 50,000/- each along with proportionate interest be paid to appellants No.2 to 4 while remaining amount be paid to appellant No.1 along with proportionate interest. Since, appellant No.4-mother of the deceased has already died, the compensation qua her share along with proportionate interest will be given to her legal heirs.

40. The payments to the appellants shall be deposited in their bank accounts to be provided by them.

41. Registry is directed to email the authenticated copy of the award to the respondent Insurance Company in terms of directions issued by the Hon'ble Supreme Court in Writ Petition (Civil) No.534 of 2020 titled **Bajaj Allianz General Insurance Company Versus Union of India and others**, decided on 16.03.2021 and Insurance Company shall comply with the directions as issued under Clause (F) of the said judgment.

42. A photocopy of this order be placed on the file of the connected case.

43. Pending misc. application (s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)  
JUDGE

08.04.2026

Priyanka Thakur

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |