231 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4250-2002 (O&M)
Date of Decision: 02.07.2026

Ranjit Singh

.... Appellant

Versis

Rajesh and others .....Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Mayank Gupta, Advocate for the appellant.

Mr. Vinod Chaudhri, Advocate with Mr. Ajay Kumar, Advocate for respondent No.3.

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YASHVIR SINGH RATHOR, J. (Oral)

1. This appeal has been instituted against the Award dated 6.8.2001 passed by MACT, Fatehabad (**for short "Tribunal"**) passed in MACT Case No.190 of 1999/2000 in a petition under Sections 166 and 140 of Motor Vehicles Act, 1988 for enhancement of compensation vide which a sum of Rs.84,000/- has been awarded as compensation to the claimant/appellant along with interest 9% per annum on account of injuries suffered by him in a motor vehicular accident due to rash and negligent driving by respondent No.1 while driving offending vehicle/tractor No.HR-22A/4691 (**for short 'offending vehicle'**), owned by respondent No.2, which was insured with respondent No.3.

2. It is pertinent to mention that the record of the present appeal

and the Tribunal has got burnt in a fire incident in the High Court Registry and the present appeal has to be decided on the basis of the facts and evidence discussed by the Tribunal in the impugned award.

3. The copy of paper book filed in the Court is taken on record. Registry is directed to tag the same at appropriate place.

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

> 1. *Whether the petitioner suffered injuries in Motor Vehicle Accident on 30.7.99 in the village Dehman owing to rash and negligent driving of tractor No.HR-22A/4691 by Rajesh respondent No.1?OPP.*
> 2. *To what amount of compensation the petitioner is entitled if so from whom?OPP.*
> 3. *Whether United India Insurance Co. Ltd. respondent No.3 is not liable to indemnify the insured on the grounds mentioned in the written statement?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.84,000/- as compensation to the claimant, on account of injuries suffered by him along with interest @ 9% per annum from the date of filing of claim petition till realization, payable by respondent No.1 to 3 jointly and severally.

7. Feeling aggrieved, the appeal in hand has 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

appeal 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 in question had taken place due to the rash and negligent driving on the part of respondent No.1, who was driver of the offending vehicle and the vehicle was insured with respondent No.3. No appeal or cross-objections have been filed by respondents No.1 and 2, challenging the said finding and accordingly, finding on issue No.1 is not required to be interfered with and the same is affirmed.

9. Learned counsel for the appellant 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 18% permanent disability and he has been awarded a total compensation of Rs.84,000/-, for medical expenses, permanent disability, transportation, loss of income, nutritious diet and pain and sufferings. Learned counsel further argued that adequate compensation has not been awarded under pecuniary and non-pecuniary heads and the impugned award is thus liable to be modified and appellant is entitled to enhanced amount of compensation. In support of his contentions, learned counsel for the appellant has relied upon 2014 (1) RCR (Civil) 914 **Sanjay Verma Vs. Haryana Roadways** and 2017 (16) SCC 680 **National Insurance Co. Ltd Vs. Pranay Sethi and Others**.

10. On the other hand, learned counsel for respondents argued

that the award in question 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.

11. The law is well settled that the compensation to be awarded for injuries suffered by victim in a motor vehicular accident should be just and equitable. Courts have consistently held that while money cannot erase the pain, suffering, or trauma but it is the only legal means to provide restitution and restore the victim to his previous position as far as possible for which 'just compensation' has to be assessed. It is also well settled that while it is impossible to fully compensate for the loss of limb, life, or quality of life, the compensation must be 'Just', meaning thereby, that it should be fair, reasonable, and equitable based on the evidence and not merely a 'Windfall' or a 'Pittance'. The core objective is to put the injured/victim in the same position he would have been if the accident had not taken place, to the extent money can do so. This approach ensures that the law provides a realistic recompense for the trauma endured, rather than just providing normal relief.

12. As per version of claimant- Ranjit Singh, he had suffered fracture shaft humerous right with wrist drop because of radial nerve injury and he has suffered 18% permanent disability. The Tribunal on the basis of the injuries and the permanent disability suffered by him, awarded him a sum of Rs.25,000/- for the expenses incurred on his treatment, special diet and transportation. A sum of Rs.15,000/- was awarded for pain and sufferings. His monthly income was taken as

Rs.2,100/- per month and since he had suffered 18% permanent disability, his loss of income was assessed as Rs.450/-. He was 55 years of age and multiplier of 8 was applied and he was held entitled to compensation of Rs.43,200/- on account of loss of income due to permanent disability. In all, he was awarded a sum of Rs.84,000/- as compensation.

13. To prove the injuries suffered by him, claimant has led in evidence his MLR Ex.P1 which had been proved by PW1 – Dr. R.C. Goyal and the same shows that claimant had suffered injuries in the accident. Claimant has also examined PW2- Dr. A.L. Bajaj, Medical Officer, General Hospital, Rewari who deposed that on 31.7.1999, he was posted at General Hospital, Fatehabad and claimant remained under treatment from 31.7.1999 to 20.9.1999. He had suffered fracture shaft humerous right with wrist drop because of radial nurve injury with soft tissue injury. He further stated that claimant was given treatment in the form of POP cast and cock up splint for right wrist. He was advised to undergo treatment at PGIMS, Rohtak for surgery but the patient was reluctant and so he was treated conservatively and discharged on 20.9.1999. The bed head ticket of the patient has also been tendered as Ex.P3 and PW Dr. R.S. Dalal has also proved the disability certificate Ex.P4 according to which claimant has suffered 18% permanent disability on account of injury in the wrist.

14. As such, on account of permanent disability to the extent of 18% suffered by the claimant, his earning capabilities will be diminished.

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**.

15. 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.

16. In the present case also, the claimant had suffered fracture shaft humerous right with wrist drop because of radial nurve injury with soft tissue injury. 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.

17. The monthly income of claimant has been held to be Rs.2,100/- in the year 1999 when the accident took place as per minimum wages applicable during those days which has been assessed properly and does not call for interference. Claimant was 55 years of age and in view of law laid down in **Sanjay Verma's case (supra)** and **Pranay Sethi's case (supra),** 10% amount has to be added to his monthly income towards future prospects which brings his monthly income to **Rs.2,310/- per month (Rs.2,100/- + Rs.210/-)**.

18. Claimant has suffered permanent disability to the extent of 18% and the monthly loss of income will thus come to **Rs.416/- (Rs.2,310/- X 18%)** and '**annual loss of income**' will come out to

Rs.4,992/- per annum (i.e. Rs.416/- X 12).

19. The claimant was 55 years of age and in view of law laid down in **Pranay Sethi's case (supra),** the multiplier of 11 has to be applied which takes the compensation to **Rs.54,912/- (Rs.4,992/- X 11)** on account of '**loss of income**' due to permanent disability.

20. The Tribunal held that the expenses incurred on treatment as per bills Ex.P5 to Ex.P53 come out to Rs.2,553/- but further observed that it is not possible to preserve all the bills and a sum of Rs.25,000/- in all was awarded for expenses incurred on treatment, on special diet and transportation. However, the claimant remained under treatment for a long period as he remained admitted in the hospital for 50 days. It must have taken at least four months for the injuries to heal and during this period, he must have spent some amount on transportation as well as on special diet and he is accordingly held entitled to a sum of **Rs.35,000/-** on account of **expenses incurred on treatment, special diet, transportation and in engaging an attendant.**

21. The fracture suffered by the claimant was serious in nature as he suffered fracture of shaft humerous right with wrist drop and it is a matter of common knowledge that pain component in such injuries is enormous which also take a considerable time to heal and he is accordingly held entitled to a sum of **Rs.25,000/-** on account of **pain and sufferings.**

22**.** The Tribunal has considered the claimant to be an agricultural labourer and assessed his monthly income to be Rs.2,100/- per month. It must have taken four months for the injuries to heal. During this period, he would not have been able to do any work and he is held entitled to a sum of **Rs.8,000/-** for **loss of income during the period of treatment**.

23. Resultantly, the compensation to be awarded to claimant is assessed as under:-

Sr. No.	Head	This Court (₹)
1.	**Expenses incurred on treatment, special diet, transportation and in engaging an attendant**	**Rs.35,000/-**
2.	**Pain and sufferings**	**Rs.25,000/-**
5.	**Loss of income during period of treatment**	**Rs.8,000/-**
6.	**Loss of Income due to disability**	**Rs.54,912/-**
	Total	**Rs.1,22,912/- (Rounded to Rs.1,23,000/-)**
	Interest	**9%**

24. As a result of afore-said discussion, the present appeal is partly allowed with costs and the claimant is held entitled to enhanced compensation of **Rs.39,000/- (Rs.1,23,000/- - Rs.84,000/-)** over and above the compensation awarded by Tribunal, payable by respondents No.1 to 3 jointly and severally, along with interest @ 9% per annum, from the date of filing of claim petition i.e. 6.8.2001, till realization.

25. Registry is directed to email the authenticated copy of the

award to the respondent Insurance Company in terms of direction 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.

26. Pending miscellaneous application(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

2.7.2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No