

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

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FAO-4335-2002 (O&M)

Date of decision:13.01.2026

Harbhajan Singh

...Appellant

versus

Gurbhej Singh and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None for the appellant.

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

PARMOD GOYAL, J. (ORAL)

1. In present case, appellant-claimant is aggrieved by award dated 26.04.2002 passed by Motor Accident Claims Tribunal, Amritsar, (hereinafter referred to as '**Tribunal**') whereby injured was granted compensation of Rs.1,34,520/- on account of injuries suffered by him in accident dated 26.09.1999 due to rash and negligent driving of respondent No.1 while driving offending vehicle No.PCJ 5038.

2. It is claim of claimant-appellant that account of accident dated 26.09.1999 claimant had suffered multiple injuries and he was taken to Dr. Rachhpal Hospital at Amritsar where he remained admitted for about 2 months and incurred a sum of Rs. 70,000/- on his treatment and suffered heavy loss.

3. Learned counsel for appellant-claimant argued that learned Tribunal has failed to take into consideration extent of permanent disability and ought to have concluded 40% permanent disability and ought to have granted compensation on the basis of such computation.



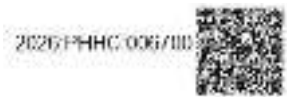
That appellant-claimant was a transporter having his own truck, was earning Rs. 12,000/- per month and contributed Rs.10,000/- per month to his family.

4. AW1-Dr. B.B Khanna had issued disability certificate (Ex. A1) and had proved that injured had suffered permanent disability upto 40%. This shows that injured would face difficulty in driving, accordingly, functional disability qua whole body resulting in loss of income is taken as 30%.

5. Learned Tribunal has awarded compensation of Rs.80,000 /- on account of permanent disability suffered by injured and Rs.54,520/- towards medical expenses.

6. On consideration, I find merit in the case of appellant-claimant. Learned Tribunal ought to have considered 40% permanent disability to assess loss of income, however, no such effort was made in present case. Appellant-claimant has claimed to be a transporter having his own truck and has claimed to be earning Rs.12,000/- per month and claimed that he is unable to drive after he suffered disability due to the accident. However, no evidence was led to prove income of injured. In fact, there is no material available on record to conclude that appellant-claimant was earning Rs.12,000/- except for his own self serving assertions.

7. Under these circumstances, when no evidence was led by appellant-claimant to prove his income, it would be appropriate to take income of appellant-claimant to be Rs.2,605/- per month, minimum wages



payable to a skilled worker. 25% towards future prospects and multiplier of 13 needs to be applied to determine loss of income due to permanent disability as appellant was 47 years old at the time of accident. Total loss of earning capacity would come to Rs.1,52,256/- (Rs.2,605/- per month x 651 (25% future prospects) = Rs.3,256/- x 30% disability/100 = Rs.976/- x12 months x 13 multiplier = Rs.1,52,256/- accordingly granted.

8. Keeping in view injuries, period of hospitalization, nature of treatment and permanent disability, the compensation needs to be granted under the head pain and sufferings same is quantified as Rs.30,000/-. Appellant-claimant shall also be entitled to Rs.10,000/- under the head special diet, transportation, attendant etc. Appellant shall be entitled to Rs.5,700/- towards loss of income during medical treatment and compensation for future loss of amenities and future prospects is quantified at Rs.10,000/-. No evidence justifying future medical expenses has been placed on record, therefore, no compensation is payable under this head.

9. Accordingly, the re-worked compensation to which the appellant-claimant is entitled to is as under:-

Income	Rs.2,605/- per month (minimum wages payable to unskilled person)	Rs.2,605/- per month
Functional disability	30%	Rs.781/-
Future prospects	25% (781+195)	Rs.976
Multiplier	13	13
Total loss of dependency	976 x 13 x12	Rs.1,52,256/-
Pain and sufferings		Rs.30,000/-



Medical charges	Rs. 54,520/-/ (awarded by Tribunal)	Rs. 54,520
Special diet, transportation, attendant charges		Rs.10,000/-
Loss of income during medical treatment		Rs.5,700/-
Loss of future prospects and future amenities	Rs.5,000/- i.e. awarded by Tribunal	Rs.10,000/-
Total Compensation awarded in appeal		Rs.2,62,476/-
Total Compensation awarded by the Tribunal	Rs.1,34,520/-	
Enhanced amount of compensation		
	Rs.2,62,476/- (awarded in appeal)- Rs.1,34,520/- (awarded by Tribunal)	Rs.1,27,956/-

10. The claim petition is accordingly allowed in the above terms. Appellant-claimant shall also be entitled to enhanced compensation of Rs.1,27,956/- along with interest at the rate of 7.5% per annum from date of filing of claim petition till realization. The apportionment and liability of respondents shall be as per the award.

11. Pending application(s), if any, stand(s) disposed of.

(PARMOD GOYAL)
JUDGE

13.01.2026
ravinder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No