



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

(210)

**FAO No.4281of 2002 (O&M)
Date of decision: 09.04.2026**

ANMOL

... APPELLANT

VERSUS

POKHAR SINGH AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Alok Jain, Advocate,
for the Appellant.

Mr. Suvir Dewan , Advocate
for respondent No.2.

VIRINDER AGGARWAL,J.

1. The present appeal has been preferred by the appellant seeking enhancement of the compensation awarded vide award dated 31.01.2002 passed by the learned Motor Accident Claims Tribunal, Sonipat, on account of the injuries sustained by Anmol, in a motor vehicular accident.

BACKGROUND FACTS

2. The brief facts of the case are that on 15.09.2000 at about 8:00 A.M., the appellant-Anmol, aged about 25 years, was standing at the Ganaur Chowk bus stop on G.T. Road, Ganaur, District Sonapat, along with other passengers. The appellant, who was a rickshaw puller, was waiting for passengers at the said place. In the meantime, the offending truck bearing registration No. PAT-757, owned and driven by respondent No.1 Pokhar Singh, came from the Delhi side



at a high speed and in a rash and negligent manner. The said truck first struck against a stationary truck bearing registration No. HP-51-0151, and thereafter veered towards the left side of the road and hit the passengers standing at the bus stop, including the appellant. The offending truck also struck a three-wheeler bearing registration No. HNC-1550. As a result of the forceful impact, the appellant sustained multiple grievous injuries, while two other persons lost their lives in the said accident. The appellant was initially given first aid at Bhatia Nursing Home, Ganaur, and was thereafter referred to and admitted in Lok Nayak Jai Prakash (L.N.J.P.) Hospital, New Delhi, where he underwent medical treatment. On account of the injuries suffered in the accident, the appellant Anmol filed a petition under Section 166 of the Motor Vehicles Act before the learned Motor Accident Claims Tribunal, Sonapat, seeking compensation. After appreciating the evidence led by the parties, the learned Tribunal awarded a sum of ₹1,25,000/- as compensation along with interest @ 9% per annum from the date of filing of the claim petition till realization. Respondents No.1 and 2, namely Pokhar Singh (driver/owner of the offending vehicle) and The New India Assurance Co. Ltd. (insurer), were held jointly and severally liable to pay the awarded amount.

CONTENTIONS

3. Learned counsel for the appellant contended that the compensation awarded by the learned Tribunal is grossly inadequate and fails to commensurate with the nature and extent of injuries as well as the prolonged suffering endured by the appellant. It was argued that the learned Tribunal has erred in not granting just and reasonable compensation under various conventional heads, namely pain and suffering, loss of amenities of life, transportation expenses, attendant charges and special diet. It was further



submitted that the appellant has suffered permanent disability to the extent of 85%, which has a substantial bearing on his functional capacity and quality of life; however, no compensation has been awarded towards the impact of such disability. On these premises, it was contended that the impugned award warrants enhancement to ensure that the claimant is granted fair, just and reasonable compensation in consonance with the settled principles governing motor accident compensation.

4. Per Contra, the learned counsel for the respondent No. 2, 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 so as to compute



Anmol was aged about 25 years and working as a rickshaw puller at the time of the accident, as established from the pleadings and his testimony (PW5). Prior to the accident, he was hale and hearty and earning his livelihood by pulling a rickshaw. As a result of the accident, the appellant suffered multiple grievous injuries including old fracture of pelvis with lumbar canal stenosis, urethral injury with stricture, shortening of right lower limb with power grade IV, and other injuries. He remained hospitalized for about six months and is still under continued treatment. The appellant suffered permanent disability to the tune of 85% as certified by Dr. S.S. Gupta, Medical Officer, General Hospital, Gohana (PW4) vide disability certificate Ex.P11. The evidence on record further demonstrates that the disability has had a deep and enduring impact on the appellant's life. He is almost crippled, bed-ridden, cannot pull a rickshaw or do any manual work, has to visit the hospital weekly by taxi, and his future prospects stand seriously jeopardised. The learned Tribunal did not undertake an adequate assessment of loss of future earning capacity and confined the award under limited heads without rightly applying the settled criteria for determining functional disability.

7. Upon a holistic reappraisal of the evidence, this Court is of the considered view that the physical disability suffered by the appellant translates into a substantial functional disability affecting his entire earning capacity, particularly keeping in view his young age, occupation as a rickshaw puller, and the dominant impact on mobility and manual labour. Having regard to the lifelong impact of the injuries on his self-care, vocational opportunities, and overall enjoyment of life, the functional disability is assessed at 100%. It is well settled that the percentage of physical disability is not, by itself, determinative;

rather, it is the functional impact of such disability on the earning capacity and



future prospects of the claimant that is decisive. 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 suffered have a serious bearing on the appellant’s future efficiency, earning potential and overall enjoyment of life, thereby entitling him to substantial compensation towards loss of future earning capacity. The claimant being a self-employed rickshaw puller had no fixed proven income at the time of the accident. Accordingly, considering the year of accident i.e. 2000, the notional monthly income of the appellant is required to be assessed at ₹2,000/- per month (a conservative and reasonable figure for an unskilled person during the relevant period). The age of the appellant, as borne out from the record, is about 25 years. 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	Awarded by Tribunal (₹)	Re-assessed (₹)
Monthly Income (100% Functional Disability)	x	2000/-
Monthly Income with Future Prospects (40%)	x	2,800/- (2,000 + 800)
Annual Income	x	33,600/- (2,800 × 12)
Multiplier (Age 25 years)	x	18
Loss of Future Income	x	6,04,800/- (33,600 × 18)



9. 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. Thus, from the evidence on record, the treatment record and statements, the claimant remained admitted in hospital for about six months, suffered multiple grievous injuries including pelvic fracture, lumbar canal stenosis, urethral injury and shortening of limb, and continues to face lifelong challenges including restricted mobility and 85% permanent disability. He has to visit hospitals regularly by taxi. Considering the grievous nature of the injuries, prolonged hospitalization, permanent disability affecting use of lower limbs and mobility in a young man of 25 years, discontinued occupation, pain, psychological trauma and lifelong impairment, the compensation awarded under these heads by the learned Tribunal is found to be on the lower side and deserves enhancement in view of the severity of suffering and lifelong consequences. Accordingly, the claimant is held entitled to the following amounts:



Particulars	Awarded by Tribunal (₹)	Re-assessed (₹)
loss of income during Hospitalisation and treatment (6 months)	x	12,000/-
Medical expenses (Ex.P15 and Ex.P24)	15,000/-	15,000/-
Transportation	x	10,000/-
Special Diet	10,000	20,000
Loss of amenities	x	10,000/-
Attendant	x	10,000/-
Pain and suffering	1,00,000/-	1,00,000/-
Total	1,25,000/-	₹1,77,000/-

Total Compensation

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

Particulars	Amount (₹)
Loss of Future Income	₹6,04,800/-
Other Heads	₹1,77,000/-
Total	₹7,81,800/-

11. In view of the above, the appeal is partly allowed. The impugned award dated 31.01.2002 is modified to the extent that the compensation payable to the appellant is enhanced from 1,25,000/- to ₹7,81,800/-. 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.



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

09.04.2026
Poonam

(VIRINDER AGGARWAL)
JUDGE

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