



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

FAO-146-2005

Date of decision: 25.02.2026

APPARAMPAR SINGH

...APPELLANT

VERSUS

KARAM CHAND AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Ms. Shrey Goel, Advocate
for the appellant.

Mr. Gopal Mittal, Advocate
for the respondent-Insurance Company.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the injured/appellant-claimant- Apparampar Singh, who had suffered injuries in motor vehicular accident dated 15.12.2002, on account of rash and negligent driving by respondent No.1 while driving Tractor Eicher bearing Chasis No.17711554177, Engine No.57727213585.

2. Being aggrieved by the impugned award dated 31.08.2004, 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.1,93,000/-, 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 on 15.12.2002, the appellant-claimant along with Angrej Singh and Sukhdeep Singh was travelling towards Kaulli from village Gajipur on a scooter bearing

registration No. PB 11L-9030 being driven by the appellant-claimant himself. At about 10 pm when they reached at Ganda Kheri, then a tractor Eicher bearing chasis no. 17711554177, engine No. 57727213585 came at a high speed from front side and after taking a sudden turn, the tractor trailer struck against the scooter of the appellant-claimant. As a result of this all three occupants of the scooter suffered injuries. Since in present appeal the only issue raised by appellants-claimants is as regards to quantum of compensation and there is no appeal or cross-objection preferred by respondents to challenge manner of accident, the detailed facts as regards to manner of accident are not being noticed for the sake of brevity.

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

- Learned Tribunal has erred in not granting compensation on the basis of functional disability to the extent of 60% (as permanent disability is 55%).
- Income of injured-appellant-claimant is not assessed by the Learned Tribunal. Income of injured-appellant-claimant as pleaded by claimant.
- Future prospects were not added while determining loss of earning capacity. Future prospects to the extent 40% of monthly income needs to be added as the injured-appellant-claimant was 22 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 '18' 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 sought.

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

Medical expenses	Rs.50,000/-
Special diet	Rs.10,000/-
Attendant charges	Rs.10,000/-
Transportation charges	Rs.3,000/-
Pain and sufferings	Rs.30,000/-
Loss of Income during treatment	Rs.10,000/-
Future pain and prospects	Rs.50,000/-
Future marriage prospects	Rs.30,000/-
Total Compensation awarded	Rs.1,93,000/-

6. It is the claim of appellant/claimant that he was admitted in A.P. Jain hospital on 15.12.2002 with multiple injuries and was medico legally examined vide MLC Ex.P4 and had remained admitted at A.P. Jain Hospital, Rajpura and CMC Hospital, Ludhiana for his treatment from time to time. He was referred to PGIMER, Chandigarh but had opted to get his surgery from CMC Hospital, Ludhiana. In support of his case, to prove nature of injuries, period of hospitalization and medical expenditure the injured-appellant/claimant had duly examined PW5 Dr. Harjit K. Singh Chawla who had duly stated that injured-appellant/claimant was admitted on 15.12.2002 and was suffering from abrasions over right side of forehead, nose, right side of chest, right knee along with swelling of knee joint and

also due to lacerated wound horizontally on the right lower leg, fracture of femur with haemorthosis knee with compound fracture of right leg was found. Neurovascular damage below fracture was also found by PW5. He was re-admitted on 22.12.2002 and was again discharged on 30.03.2003. Copy of head ticket as well as discharge summary was placed as Ex.P7 to Ex.P9. From Ex.P10 to Ex.P15, Ex.P26 as well as from endorsement on Ex.P7 and reference Ex.P8 it is also clearly made out that appellant/claimant had undergone micro vascular surgery at CMC, Ludhiana on 21.12.2002. From evidence placed on record, it is therefore, clearly made out that appellant/claimant had suffered grievous injuries including multiple fractures on leg which ultimately resulted in amputation and 55% disability. It is also clearly proved that appellant/claimant had remained admitted for around 95 days in the hospital and had undergone surgery as well as amputation of the leg due to accidental injuries.

7. Keeping in view nature of injuries and long stay at hospital the amount of compensation awarded by learned Tribunal under the head medical expenses, transportation, special diet and attendant charges cannot be held to be excessive and is just compensation under this head. No further enhancement is justified as despite available bills of Rs.26,795/-, learned Tribunal by considering nature of injuries and period of hospitalization has already granted Rs.50,000/- for medical expenses.

8. Appellant/claimant has been awarded compensation of Rs.30,000/- towards pain and sufferings, however, keeping in view nature of injuries i.e. multiple fractures, multiple surgeries, amputation of leg and period of hospitalization, the amount awarded by learned Tribunal needs to be enhanced and accordingly, compensation for pain and sufferings is

enhanced to Rs.50,000/-

9. Appellant/claimant had claimed that he was working as an electrical motor binder and was diploma holder in electrical works. Reliance upon said diploma certificate which has been placed on record as Mark-O. Appellant/claimant has claimed that he was earning Rs.4,000/- per month, however, though appellant/claimant has been able to show that he was a trained electrician, but has failed to show actual income being earned by him. In absence of any evidence regarding income of appellant/claimant, minimum wages payable to skilled labourer needs to be applied for calculating loss of earning capacity as well as loss of earning during period of treatment as appellant/claimant has succeeded in proving himself to be a trained electrician. In the year 2002, minimum wages payable to skilled workers was Rs.2,610/- accordingly, monthly income of appellant/claimant is taken as Rs.2,610/-. Since appellant/claimant had remained confined to hospital for about 95 days, therefore, it can safely be assumed that appellant/claimant must have remained out of work for at least for six months and accordingly, amount of Rs.15,660/- (2,610 x 6) is awarded as compensation for loss of earnings during treatment. Appellant/claimant has placed reliance upon disability certificate Ex.P6 duly proved by PW4, wherein disability on account of amputation of leg has been taken to the extent of 55%.

10. Keeping in view the fact that one leg has been amputated and appellant/claimant was an electrical motor binder, it would be appropriate to take functional disability 55% as amputation of leg would have resulted in serious loss of earnings in view of the nature of job in which appellant/claimant is concerned.

11. Appellant/claimant was also entitled to addition of income as future prospects to the extent of 40% as appellant/claimant was aged 22 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 18 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. Compensation of Rs.50,000/- for future pain and sufferings/loss of future amenities as granted by learned Tribunal is adequate compensation under this head, therefore, it is upheld. Since appellant/claimant was 22 years old and his one leg was amputated, goes to establish that his marriage prospects would be clearly compromised, accordingly, loss of future prospects is quantified as Rs.50,000/-.

12. Accordingly, appellant/claimant is entitled to the following compensation :-

Income of the injured	Rs.2,610/- per month (as per minimum wages)	Rs.2,610/- per month
Future prospects	40% (2,610 + 1,044)	Rs. 3,654/-
55% permanent disability		Rs.2,010 /-
Multiplier	18	18
Total loss of earning capacity	Rs.2,010 x 18 x 12	Rs.4,34,160/-
Compensation for loss of earning capacity during treatment	Rs.2,610 x 6 months	Rs.15,660/-
Pain & Sufferings	Rs.30,000/- (awarded by Tribunal)	Rs. 50,000/-

Medical Expenses, Attendant, Diet & Transportation etc.	Rs.83,000/- (awarded by Tribunal)	Rs. 83,000/-
Compensation for loss of future prospects of life	Rs.30,000/- (awarded by Tribunal)	Rs. 50,000/-
Compensation for future pain and sufferings and loss of future amenities	Rs.50,000/- (awarded by Tribunal)	Rs.50,000/-
Compensation awarded by Tribunal	Rs. 1,93,000/-	
Compensation awarded in appeal		Rs.6,82,820/-
Enhancement in compensation	Rs.6,82,820/- (awarded in appeal) – Rs.1,93,000/- (awarded by Tribunal)	Rs.4,89,820/-

13. Appeal is accordingly allowed in above terms. Claimant/appellant shall be entitled to enhanced compensation along with 7.5% interest from date of filling claim petition till realization. Liability to pay compensation shall be as per the award. Enhanced compensation be paid within six weeks in accordance with terms of award through bank account of claimant/appellant.

14. Pending application(s), if any, is/are disposed of accordingly.

25.02.2026
manoj/chiranjeev

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No