

2026:PHHC:040557



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

FAO-2377-2005

Date of Decision: 16.03.2026

RAM KARAN

....Appellant

Versus

SAWARAN SINGH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Haneet Sharma, Advocate
for appellant.

Mr. Neeraj Khanna, Advocate
for respondent No.2/Insurance Company.

Parmod Goyal, J. (Oral)

Present appeal has been preferred by the injured/appellant-claimant who had suffered injuries in motor vehicular accident dated 04.01.2002, on account of rash and negligent driving by respondent No.1 while driving Truck bearing registration No.HNE-5497.

2. Being aggrieved by the impugned award dated 02.02.2005, passed by the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as 'Tribunal'), vide which the appellant-claimant was found entitled to total compensation of Rs.54,000/-, the appellant-claimant is seeking enhancement of compensation awarded by the Tribunal as the same is not accordance with his entitlement.

3. Since in present appeal the only issue raised by appellant-claimant 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 Tribunal had granted following compensation to injured appellant/claimant:-

Compensation on account of disability	Rs.15,000/-
Pain and sufferings	Rs.8,000/-
Attendant charges	Rs.4,000/-
Special Diet	Rs.8,000/-
Transportation charges	Rs.5,000/-
Loss of income during treatment	Rs.9,000/-
Total Compensation awarded	Rs.54,000/-

5. Learned counsel for injured-appellant-claimant has sought enhancement in compensation on following grounds that:-

- Learned Tribunal has erred in not granting compensation on the basis of functional disability which is 15% (in view of permanent disability of 15%).
- Income of injured-appellant-claimant is not assessed by the Learned Tribunal. Income of injured-appellant-claimant ought to be determine as per the pleaded income.
- 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 35 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 ‘16’ ought to have been applied by the learned Tribunal.
- Compensation for loss of future prospects and future amenities

and for future medical expenses has not been granted to which appellant-claimant is entitled to.

- Compensation under heads medical expenses, other expenses for loss of income during treatment and pain and sufferings being insufficient in view of nature of injury, nature of treatment and period of hospitalization, needs to be enhanced.

6. It is the case of injured appellant-claimant that on 04.01.2002 injured Ram Karan along with Raj Kumar and Ashok was going to village Chappar. At about 9:50 P.M when they reached near Ambala-Jagadhri road, the offending Truck being driven in rash and negligent manner by respondent No.1 came from the opposite side and struck against the car of injured appellant-claimant. As a result of the impact, the car of injured appellant-claimant struck against the safeda trees on the road side and all the occupants of the car received multiple injuries. Appellant-claimant asserted that he had received multiple injuries on his forehead including fracture on the right side of the hip on account of the said accident. Injured appellant-claimant further asserted that he was taken to Civil Hospital, Jagadhari where he remained admitted from 05.01.2002 to 28.01.2002 and spent Rs.35,000/- to Rs.40,000/- on his treatment. That appellant-claimant also asserted that was required to visit the hospital every 15 days for a period of 1 year.

7. Appellant-claimant has claimed that he was working as a mechanic earning Rs.10,000/- to Rs.12,000/- per month, however, no material was adduced to prove the pleaded income and vocation except for self serving statement of claimant. Learned Tribunal however has not

assessed the loss of income of appellant-claimant on the basis of minimum wages prevalent at the time of accident but had assumed income to be Rs.2,100/- per month. Therefore, in absence of any cogent evidence regarding income of injured appellant-claimant, minimum wages prevalent at the time of accident i.e Rs.2,310 /- per month for skilled worker is taken income of injured. There is no rebuttal to the age of injured appellant-claimant who is stated to be 35 years old at the time of accident.

8. PW-5 Dr. P.K Nigam Orthopaedic Surgeon, Civil Hospital, Ambala has proved the disability certificate Ex.P-36 stating the permanent disability of injured appellant-claimant to the extent of 15%. PW-5 further stated that he along with other members of Handicapped Board, Ambala examined the injured appellant-claimant on 03.03.2004 and found it to be an old operated case of healed inter trochanteric fracture of right hip joint and assessed the disability to the extent of 15%. On consideration of 15% permanent disability, functional disability is taken to the extent of 10% in view of pleaded vocation and nature of disability stated by PW-5. Further, future prospects to the extent of 40% of income and multiplier of '16' needs to be applied for determining loss of earning capacity in view of age of injured as per mandate of **Sarla Verma Vs. Delhi Transport Corporation**, 2009 (3) RCR (Civil) 77 and **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.**, 2017 (16) SCC 680.

9. Appellant-claimant shall also be entitled to compensation of Rs.35,000/- for loss of future prospects of life and amenities due to permanent disability, Rs.15,000/- for loss of income during treatment considering period of hospitalization and nature of injuries. However, no compensation is payable for future medical expenses in absence of any

evidence in this regard.

10. I find no infirmity with the amount awarded by learned Tribunal under heads, special diet, medical charges, attendant charges and transportation expenses to be Rs.22,000/- and accordingly it is upheld. In view of period of hospitalization, nature of injury and its effect amount awarded under head pain and sufferings is also required to be enhanced, and is accordingly enhanced to Rs.20,000/-.

11. In view of the above appellant-claimant is entitled to the following reworked compensation :-

Income of the injured	Rs.2,310/- (as per minimum wages)	Rs.2,310/- (as per minimum wages)
Future prospects	40% (2,310 + 924)	Rs. 3,234/-
10% permanent disability		Rs.323/-
Multiplier	16	16
Total loss of earning capacity	Rs.323 x 17 x 12	Rs.65,892/-
Pain & Sufferings	Rs.8,000/- (awarded by Tribunal)	Rs.20,000/-
Medical Expenses, Attendant, Special Diet & Transportation etc.	Rs.22,000/- (awarded by Tribunal)	Rs.22,000/-
Compensation for loss of future prospects and future amenities		Rs. 35,000/-
Compensation for loss of income during treatment	Rs.9,000/- (awarded by Tribunal)	Rs.15,000/-
Compensation awarded by Tribunal	Rs. 54,000/-	
Compensation awarded in appeal		Rs.1,57,892 /-
Enhancement in compensation	Rs.1,57,892 /- (awarded in appeal) - Rs.54,000/-(awarded by Tribunal)	Rs.1,03,892/-

12. The appellant-claimant shall also be entitled to interest at the rate of 7.5% per annum on the enhanced amount from the date of filing of the claim petition till its realization. Liability to pay the compensation shall

remain the same as determined by the learned Tribunal.

- 13. Appeal is accordingly allowed in above terms.
- 14. Pending application(s), if any, is/are disposed of accordingly.

16.03.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No