101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-2676-2005
Date of Decision: 18.03.2026

ANGREJ SINGH
.... APPELLANT

VERSUS

KARAM CHAND AND ORS.
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. D.S. Niggha, Advocate for
Mr. Gurinderjit Singh, Advocate
for the appellant.

Mr. Gopal Mittal, Advocate
for respondent No.2 and 5-Insurance Company.

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YASHVIR SINGH RATHOR, J. (Oral)

1. This appeal has been instituted against the Award dated 26.02.2005 passed by MACT, Patiala (**for short "Tribunal"**) for enhancement of compensation awarded in MACT Case No.269/FTC of 26.03.2003 in a petition under Section 166 of Motor Vehicles Act, 1988 vide which a sum of Rs.70,000/- has been awarded as compensation to the claimant/appellant along with interest at the rate of 9% per annum due to injuries suffered by him in a motor vehicular accident on account of rash and negligent driving by respondent No.1 (owner-cum-driver) while driving offending vehicle/tractor of make Eicher bearing chassis No.17711554177 (**for short 'offending vehicle'**), which was insured with respondent No.2.

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

> 1. *Whether claimant received injuries in road accident on 15.12.2002 near village Ganda Kheri at 10.00 A.M. due to rash and negligent driving of tractor bearing Engine and Chassie No. mentioned in the claim petition as alleged? OPP*
> 2. *If issue No.1 proved to what amount of compensation from whom? OPP claimant entitled and from whom? OPP*
> 3. *Whether driver of the tractor trailer was not having valid and effective DL at the time of accident, if so its effect? OPR-2.*
> 4. *Whether tractor trailer was used for purpose other than the one specified in RC and insurance policy cover note, if so its effect? OPR-2.*
> 5. *Relief.*

3. Thereafter, the parties led evidence in support of their case.

4. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.70,000/- 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 respondents No.1 and 2, jointly and severally.

5. Feeling aggrieved, the appeal in hand has been preferred. The material on file has been perused and parties have been heard.

6. 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 owner-cum-driver of the offending vehicle and the vehicle was insured with respondent No.2 and both respondents were held liable to pay compensation jointly and severally. Moreover, it has been observed by the Tribunal in the impugned award that another injured namely Apprampar Singh @ Sanju had also instituted a claim petition for grant of compensation on account of injuries suffered by him and the Tribunal vide award Ex.R1 has already awarded him a compensation of Rs.1,93,000/- to him and both the respondents have also been held liable to pay compensation, jointly and severally. 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.

7. 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 Branch and the present appeal has to be decided on the basis of the facts and evidence discussed by the Tribunal in the impugned award.

8. 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 30% permanent disability and he has been awarded a lump sum compensation of Rs.60,000/- for permanent disability and Rs.10,000/- towards medical expenses. Learned

counsel further argued that no compensation has been awarded under the head of 'pain and sufferings, 'loss of income during the period of treatment', 'transportation charges' and 'attendant charges', whereas on account of permanent disability suffered by him, the claimant will suffer 'loss of income' in future as well and adequate compensation has not been awarded under pecuniary and non-pecuniary heads. Learned counsel prayed that impugned award is thus liable to be set aside and appellant is entitled to enhanced amount of compensation.

9. 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.

10. As already discussed above, the record of the Tribunal has burnt and no material is available including the evidence led before the Tribunal. In the award also, the Tribunal has not discussed as to what nature of injuries had been suffered by the claimant and it has been simply mentioned that claimant has suffered 30% permanent disability. However, in case, he had suffered any such disability, he must have suffered grievous injuries but no compensation has been assessed on account of 'pain and sufferings' by the Tribunal. Accordingly, claimant is held entitled to a sum of **Rs.40,000/-** on account of '**pain and sufferings**'.

11. Claimant is proved to have suffered 30% permanent disability and he has been awarded lump sum compensation of

Rs.60,000/- but the mode of assessment of compensation on account of permanent disability is not proper and in accordance with settled principles of law. As per the contents of ground of appeal, claimant was 20 years of age and had suffered multiple injuries on his right leg and other parts of the body. He was operated upon on three occasions. He was a student and would have joined Indian Army, Navy or Police but due to permanent disability, he cannot join the Army or the Police. As such, the claimant was 20 years of age and a student and he will have to remain with this disability throughout his life and it will certainly diminish his earning capabilities and the avocation or profession he will pursue. 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**.

12. Besides this, 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.

13. In the present case also, the disability suffered by the claimant has affected his right leg. 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.

14. The claimant was 20 years of age and a student and as such, he has to be considered as a skilled person. The accident had taken place on 15.12.2002 and accordingly, the income of the claimant is taken as

Rs.2,500/- per month as some amount of guesswork has to be applied in assessing the monthly income. Since, claimant was 20 years of age on the date of accident, 40% of amount has to be added to his monthly income towards future prospects in view of law laid down in 2014 (1) RCR (Civil) 914 **Sanjay Verma Vs. Haryana Roadways** and 2017(4) RCR (Civil) 1009 **National Insurance Company Vs. Pranay Sethi and Ors.** and after adding the same, his monthly income comes out to **Rs.3,500/- per month (Rs.2,500/- + Rs.1,000/-)**.

15. Claimant has suffered permanent disability to the extent of 30% and the monthly loss of income will thus come to **Rs.1,050/- (Rs.3,500/- X 30%)** and '**annual loss of income**' will come out to **Rs.12,600/- per annum (i.e. Rs.1,050/- X 12)**.

16. The claimant was 20 years of age and in view of law laid down in **Pranay Sethi's case (supra)** and 2009(6) SCC 121 **Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and another,** the multiplier of 18 has to be applied which takes the compensation to **Rs.2,26,800/- (Rs.12,600/- X 18)** on account of '**loss of income**' due to permanent disability (**rounded off to Rs.2,27,000/-**).

17. It must have taken at least 3 months for the injuries to heal and during this period, claimant would not have been able to do any work and accordingly, he is held entitled to a sum of **Rs.10,500/- (Rs.3,500/- X 3)** on account of '**loss of income during the period of treatment**'. During this period of 3 months, he must have also engaged an **attendant**, spent some amount on **transportation** and on **special diet**. Accordingly,

claimant is held entitled to a sum of **Rs.15,000/-** under these heads.

18. The claimant has suffered 30% of disability due to multiple injuries on his right leg and other body parts. Accordingly, the claimant is held entitled to a sum of **Rs.25,000/-** on account of '**loss of amenities**'.

19. Claimant has alleged that he spent about Rs.1,00,000/- on his treatment but Tribunal has awarded him only a sum of Rs.10,000/-. However, it is matter of common knowledge that the family members do not preserve all the bills and in view of nature of injuries suffered by the claimant and the fact that he was treated in the private hospital, he must have spent at least Rs.25,000/- on his treatment as some amount of guesswork has to be applied in assessing the medical expenses. As such, he is held entitled to a sum of **Rs.25,000/-** for medical treatment including expenses for future surgery for removal of implant.

20. Resultantly, the compensation to be awarded by this Court is assessed as under:-

Sr. No.	**Head**	**Tribunal (₹)**	**This Court (₹)**
1.	Permanent disability / future loss	60,000	2,27,000
2.	Medical expenses	10,000	25,000
3.	Pain & suffering	—NIL—	40,000
4.	Loss of income (treatment)	—NIL—	10,500
5.	Attendant/transport/diet	—NIL—	15,000
6.	Loss of amenities	—NIL—	25,000
	Total	**70,000**	**3,42,500**
	Interest	**9%**	**9%**

21. 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.2,72,500/- (Rs.3,42,500/- - Rs.70,000/-)** over and above the compensation awarded by Tribunal, payable by respondents No.1 and 2, jointly and severally, along with interest @ 9% per annum, from the date of filing of claim petition i.e. 26.03.2003, till realization.

22. 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.

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

(YASHVIR SINGH RATHOR)
JUDGE

18.03.2026
Vishal Vardhan

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