



FAO-5244-2005
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-5244-2005 with
FAO-5245-2005
Date of decision : 05.02.2026

HET RAM

... APPELLANT

VERSUS

SURJIT KUMAR @ DHOLIYA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Lavish, Advocate
for the appellant.

Mr. Lalit Garg, Advocate
for the respondent-Insurance Company.

PARMOD GOYAL, J. (ORAL)

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1. Present appeal has been preferred by injured appellant/claimant who had suffered injuries in motor vehicular accident dated 30.10.1999 on account of rash and negligent driving of respondent No.1 while driving bus bearing registration No.RJ-31-P-0244. In the accident appellant/claimant had suffered injuries whereas Canter in which he was traveling had suffered damages, accordingly, appellant/claimant had filed two claim petitions, one seeking loss on account of injuries and another seeking loss on account of damage to the vehicle. Learned Tribunal had awarded compensation of Rs.1,26,800/- towards loss on account of injuries suffered by appellant/claimant and Rs.20,000/- towards loss suffered by appellant/claimant

on account of damage to the vehicle vide award dated 29.10.2002, passed by learned Motor Accident Claims Tribunal, Sirsa (hereinafter referred to as ‘Tribunal’).

2. Appellant/claimant is seeking enhancement of compensation claiming quantum of compensation to be insufficient and not in accordance with law.

3. Learned Tribunal had granted following compensation:-

Income	Rs.2,000/-
20% permanent disability	Rs.400/-
Multiplier	16
Total loss of income	Rs.76,800/- (400 x 16 x 12)
Compensation on account of grievous injuries	Rs.25,000/-
Medical/Medicine charges	Rs.25,000/-
Total compensation awarded	Rs.1,26,800/-

4. Learned counsel for appellant/claimant has submitted that the Tribunal has erred in not taking into consideration the loss of income suffered by the claimant/appellant on account of injuries suffered by the claimant-appellant in the accident. Learned counsel for appellant-claimant has argued that learned Tribunal has failed to consider evidence of appellant-claimant and has not taken into consideration statement of PW-1, wherein doctor had clearly stated that the appellant-claimant had suffered permanent disability to the extent of 30%. It is further asserted that the learned Tribunal has erred in not determining loss of earning capacity due to permanent disability, by taking

future prospects in consideration. Accordingly, the claimant/ appellant has prayed for enhancement of compensation awarded by Learned Tribunal.

5. Dr. Y K Chaudhary-PW-1, who had examined the appellant/claimant had asserted that appellant/claimant had suffered permanent disability to the extent of 30% due to shortening of left side of leg on account of injuries sustained in the accident. PW-6 Dr. A.K Verma vide Ex. PJ and Ex. PK proved that the appellant/claimant had suffered grievous injuries. Appellant/claimant has claimed himself to be driver. Keeping in view nature of permanent injury and vocation of injured, functional disability is taken as 30%.

6. Appellant/claimant was aged 35 years at the time of accident and claimed to be working as a driver. However, except for oral assertions no evidence/material is available to conclude income and vocation pleaded by claimant-appellant. In such circumstances, it would be appropriate to consider him unskilled worker and his income is taken equivalent to minimum wages payable to unskilled worker prevalent at the time of accident. Therefore, income of appellant/claimant be taken as per the minimum wages payable to unskilled worker i.e. Rs.2,000/- prevalent at the time of accident. Keeping in view age of the claimant-appellant being 35 years old he would be entitled to future prospects to extent of 40% and multiplier of 16 for calculating loss of earning capacity. Accordingly, appellant/claimant is entitled to Rs.1,61,280/- ($\text{Rs.2,000} + 800 = 2,800 \times 30\% = 840 \times 12 \times 16$) on account of loss of earning capacity due to permanent injury. Appellant/claimant is also entitled to compensation of Rs.2,500/- towards pain and sufferings. Shortening of leg would definitely result in loss of future amenities as well as future prospects of

life, accordingly, appellant/claimant shall also be entitled to compensation of RS.20,000/- towards loss of future prospects and loss of future amenities. Learned Tribunal has rightly awarded an amount of Rs.25,000/- as compensation for pain and sufferings. From the nature of injuries suffered by appellant/claimant, it is also clearly made out that he must have remained out of job for at least 4 months, accordingly, an amount of Rs.8,000/- (2,000 x 4) is awarded towards loss of income during treatment. Learned Tribunal has also awarded an amount of Rs.25,000/- towards medicine/medical expenses. While awarding compensation of Rs.25,000/- learned Tribunal has duly taken into consideration Ex.PB, RC to Ex.PE, Ex.PF/1 to Ex.PF/15, Ex.PG/1 to Ex.PG/33, Ex.PH/1 to Ex.PH/3 and Ex.PL which showed that amount of Rs.25,000/- was spent on treatment by the appellant/claimant. However, no compensation for transportation, special diet and attendant charges were awarded by learned Tribunal. Compensation for medical expenses, special diet, attendant charges and transportation is, therefore, awarded as Rs.35,000/-. However, no compensation for future medical expenses is justified in absence of any evidence in this regard.

7. The reworked compensation payable to appellant-claimant is as follows:

Income	Rs.2,000/- per month (as per minimum wages payable to unskilled worker)	Rs.2,000/- per month
Future prospects	40% (2000+800)	Rs.2,800/-
Permanent disability	30% of 2,800/-	Rs.840/-
Multiplier	16	16
Total Loss of income	Rs.840 x 16 x 12	Rs.1,61,280/-

Compensation for medical expenses, special diet, attendant charges and transportation	Rs.25,000/-(as awarded by Tribunal)	Rs.35,000/-
Compensation for pain and sufferings	Rs.25,000/-(as awarded by Tribunal)	Rs.25,000/-
Loss of income during treatment		Rs.8,000/-
Compensation for loss of future amenities and future prospects		Rs. 20,000/-
Compensation awarded in appeal.		Rs.2,49,280/-
Compensation awarded by Tribunal	Rs.1,26,800/-	
Enhanced compensation	Rs.2,49,280/-(awarded in appeal) – Rs.1,26,800/-(awarded by Tribunal)	Rs.1,22,480/-

8. Appellant-claimant shall be entitled to enhanced compensation along with interest of 7.5% p.a. from the date of filing of claim petition till its realization. Liability to satisfy the award shall be as per award passed by the learned Tribunal.

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9. The appellant has also sought compensation for damage to his canter. Reliance was placed upon Ex.PM for Rs.1,550/-, Ex.PN for Rs.1,200/-, Ex.PO for Rs.2,500/-, Ex.PQ for Rs.800/-, Ex.PW-12/A for Rs.820/-, Ex. PW-13/A for Rs.29,626/- and Ex. PW-13/B for Rs.9,524/-, to claim amount of Rs. 2,50,000/-. However, the learned Tribunal, after considering the material on record, concluded that the original books and receipt books from which the aforesaid bills/cash memos were issued were not produced before the Tribunal

and that the name of the customer was not mentioned on several bills.

10. However, on a perusal of the evidence led by the claimant, it is clearly made out that, in order to prove the bills and damage to the vehicle, the claimant himself appeared as PW-8 and further examined PW-9, PW-10, PW-11, PW-12 and PW-13. These witnesses were specifically examined to prove the bills and the damage caused to the appellant's vehicle. The said evidence has been rejected solely on the ground that the original bill books and receipt books were not produced and that some of the bills do not bear the name of the customer to whom they relate.

11. From evidence of the aforesaid witnesses, read along with the bills Ex.PM, Ex.PN, Ex.PO, Ex.PQ, Ex. PW-12/A, Ex.PW-13/A and Ex.PW-13/B, it is made out that either the name of the customer is mentioned or the vehicle number recorded therein pertains exclusively to the appellant's canter driven by Het Ram. The standard of proof applicable in motor accident claim cases is that of preponderance of probabilities, and strict principles of evidence are not applicable.

12. On consideration of the material on record, I find that sufficient evidence has been led by the appellant to prove both the extent of damage as well as the amount spent on repair of the vehicle as made out from bills duly proved on record. Accordingly, the appellant is entitled to compensation for the amount duly incurred by him, as reflected in the above-noted exhibits and duly supported by the oral depositions of PW-8, PW-9, PW-10, PW-11, PW-12 and PW-13 which comes to Rs.46,020/-

13. Accordingly, the appellant is entitled to compensation of

Rs.46,020/- on account of damages to the vehicle, along with interest @ 7.5% per annum from date of filing to date of receipt. Liability to satisfy the award shall be as per award passed by the learned Tribunal.

14. Present appeals are accordingly allowed in above terms.
15. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

05.02.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No