



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-1680-2008 (O&M)
Date of Decision: March 19, 2026

Daljit Singh

...Appellant

VERSUS

Balwinder Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Neeraj Khanna, Advocate
for the appellant.

Mr.Vikas Mehsempuri, Advocate
for respondents No.2 and 3.

ARCHANA PURI, J.

The appellant-claimant has filed the present appeal, thereby, questioning the adequacy of the compensation awarded to him by learned Motor Accident Claims Tribunal, on account of 'injuries' sustained by him, in a motor vehicular accident.

Suffice to consider that the accident had taken place on 19.08.2006, while appellant was driving scooter bearing registration No.PB-07H-6573 and Gurmit Singh was pillion rider, a bus bearing registration No.PB-11N-0752, came from the opposite side. The said bus was driven by respondent No.1-Balwinder Singh, allegedly in a rash and negligent manner.

On appraisal of the evidence, brought on record, learned Tribunal had concluded about the accident to have taken place, on account of rash and negligent driving of the aforesaid bus and the same resulted into injuries, on the person of Daljit Singh.



Be it noted that none of the persons, upon whom, the liability has been fastened, have challenged the Award. Suffice to consider that appeal has been filed by the appellant-claimant, only for seeking enhancement of the compensation.

To substantiate his version, the appellant-claimant himself stepped into witness box as AW-6 and in his affidavit Ex.AW6/A, besides deposing about manner of taking place of the accident, had also deposed about the injuries sustained by him, in the accident in question. He further also deposed about the period of hospitalization as well as the expenditure incurred on his treatment and also about the operations undergone by him as well as loss suffered, due to the injuries sustained in the accident in question.

Furthermore, AW-3 B.K.Sharma, Supervisor, AW-4 P.K.Sharma, Accountant and AW-5 Hakam Singh, Head Cashier, Billing Section, DMC Hospital, have proved the receipts/bills of the expenditure incurred, on the treatment of the appellant-claimant. The bill, relating to the expenditure incurred in the DMC Hospital is Rs.1,06,841/-. The total of the other bills, inclusive of the aforesaid bill was to the extent of Rs.1,42,770/- and the requisite amount was paid under the under head of medical expenses by learned Tribunal. Besides the aforesaid, on account of personal disability suffered, to the extent of 30%, an amount of Rs.60,000/- was awarded. Further, on the count of special diet, taxi charges and attendant charges, an amount of Rs.5000/- each was awarded. Thus, in total, amount of Rs.15,000/-, on all the three counts, was awarded.

On the count of 'loss of marriage prospects', an amount of Rs.20,000/- was awarded. Considering the period of hospitalization from

**FAO-1680-2008****-3-**

19.08.2006 to 12.09.2006, on account of loss of income, Rs.10,000/- was awarded. Thus, in total, the compensation to the extent of Rs.2,47,770/- was awarded. The respondents were held jointly and severally liable to pay the aforesaid compensation.

Being aggrieved by the extent of compensation awarded, the appellant-claimant had filed the present appeal.

Counsel for the parties heard.

Considering the extent of compensation worked upon aforesaid, definitely, the same calls for re-computation, as per prevalent settled law.

At the very outset, it is pertinent to mention that the Motor Vehicles Act is in the nature of social welfare legislation and its provisions make it clear that compensation should be '**justly**' determined. A person therefore is not only to be compensated for the injury suffered in the accident but also for the loss suffered, on account of the injury and his inability to lead the life he led, prior to the life altering event. The Courts must always strive to provide a realistic recompense, having regard to the realities of life, both in terms of assessment of the extent of disability and its impact, including the income generating capacity of the claimant and not only that, even the impact of the accident on his/her life, on account of his/her physical disability. The Courts should always remain mindful of the fact that though, the physical disability may be on the lower side but the functional disability, on account of injury sustained, can be on higher side.

The extent of economic loss, arising from the disability, may not be measured in proportions, to the extent of permanent disability. In this regard, suffice to make reference to the decision rendered by the Supreme



Court in *Raj Kumar Vs. Ajay Kumar and Anr., 2011 (1) SCC 343*. In *Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77*, it has been held by the Court that the '**just**' compensation is adequate compensation and the Award must be just that-'**no less and no more**'.

Now, adverting to the case in hand, it is categoric claim of the appellant-claimant that he was 25 years old, at the time of accident. The date of birth of the appellant-claimant, as evident from the driving licence, copy whereof is Ex.AW6/B was 30.03.1981. The accident in question had taken place in the year 2006. Thus, the appellant-claimant was 25 years old, at the relevant time. He had sustained injuries, in the accident in question. While in the witness box as AW-6, the appellant-claimant had stated that he had sustained injuries on right leg, below knee, injury to right arm and head injury. He further stated that an iron rod was inserted in his right leg and now, in future he has to get another operation done for the removal of the iron rod. He also deposed about the limitations faced by him, on account of injuries sustained by him.

Furthermore, he stated that he had gone to New Zealand, in the year 2001 to earn his livelihood, where he worked for five years, at the monthly salary of Rs.40,000/-. He came back to India in the month of June 2006 and he was again planning to go back to New Zealand, but on account of accident in question, his hopes were dashed to the ground and he was unable to do any work.

Further, the appellant-claimant had also examined AW-7 Dr.Shivinder Sobti, Jr. Registration, Department of Surgery, DMC Hospital, Ludhiana,



who had deposed about the admission of Daljit Singh, in their hospital vide CR No.17099 on 19.08.2006, with the history of 'road side accident', with head injury with right frontal parietal subdural haematoma with intercerebral haemorrhage with interaventricular with tibial plateau right side with right brachial plexus/plexopathy. He was admitted on 19.08.2006 and was discharged on 12.09.2006. Further, the said witness also deposed that there was right frontal craniotomy defect present, which resulted into deformity of face (forehead). His general condition was very serious at the time of his admission and furthermore, they had advised high rich protein diet. Also, the said witness proved the photocopy of the discharge summary, which is Ex.75 and further deposed about the expenditure incurred, on the basis of bill Ex.A64, to be to the extent of Rs.1,06,841/-.

While facing cross-examination, the said witness had stated that at the time of discharge, though the patient was fully conscious, but there was weakness of right arm.

AW-2 Dr.S.S.Dadri, had proved the disability certificate. While deposing before the Tribunal, he stated that it was a case of 'road side accident' with multiple old fractures with loss of some portion of frontal bone with sensory loss in the area of ulnar (ulnar neuritis) and the permanent disability was assessed to be 30%, which was non-progressive and not likely to improve and the disability was adjudged of the whole body. Also, the said witness deposed that due to the disability, there was permanent deformity of the skull and the person will have the difficulty in doing labour and hard work. Due to the disability, he would have difficulty in lifting the objects/weight and this disability will affect in doing the agricultural work,



throughout his life.

Besides the aforesaid witnesses, various other witnesses have been examined to prove the receipts/bills, the total whereof is Rs.1,42,770/-.

From the evidence, brought on record, thus it is evident that the appellant-claimant had suffered multiple injuries, which have been detailed aforesaid, on the basis whereof, he had suffered permanent disability, to the extent of 30%, which was not likely to improve and this assessment of disability was with regard to whole of the body. Anyways, considering the same, the compensation has to be worked upon.

Even though, it is the pleaded case that appellant-claimant was indulging into agricultural work, but however, no satisfactory evidence, relating to the same, has come on record. But anyhow, from the passport of the appellant, which is Ex.AW6/C, it is evident that the appellant had proceeded to New Zealand for a period of about five years, on work permit. Even, while in the witness box, as observed in the earlier portion of the judgment, the appellant had stated so in his affidavit and also stated that he intended to go back to New Zealand.

Considering the same and also about him having earlier proceeded to New Zealand, on the basis of the work permit, when no specific evidence, is coming on record, with regard to the extent of his earnings, some guess work, has to be applied and making some guess work, very proximate to the reality, the earnings of appellant-claimant, as such, are taken as Rs.5000/- per month.

Looking at age of the appellant-claimant to be 25 years, in consonance with ***National Insurance Company Limited vs. Pranay Sethi and others,***



2017(4) RCR (Civil) 1009, addition of 40% ought to be made, on the count of 'future prospects'. Thus, the earnings of the injured-appellant comes to be Rs.5,000+2000(40%)=Rs.7,000/- and annual earnings comes to be **Rs.84,000/-**.

In consonance with *Sarla Verma's case (supra)*, the suitable multiplier to be applied is '18' and also multiplying the same with 30% of disability and dividing the same by 100, as per standard multiplier process, on account of the same, the loss is assessed as Rs.84,000x18x30/100=Rs.4,53,600/-. Thus, the loss of income, while taking into consideration the extent of disability, as such, comes to be **Rs.4,53,600/-**.

So far as, the medical expenditure is concerned, an amount of **Rs.1,42,770/-**, on the basis of the bills proved, has been appropriately awarded by learned Tribunal. However, besides the same, also it is pertinent to mention that from the evidence, more particularly, the discharge summary, which is coming on record, it is evident that tibial plating was done. Even, craniotomy was done. Therefore, the appellant-claimant had to be hospitalized again for removal of the iron rod and for that also, future medical aid, ought to be taken into consideration. Taking the same into consideration, another amount of **Rs.50,000/-** is awarded, on the count of 'future medical needs'.

Looking at the kind of injuries and duration of his hospitalization, definitely, the appellant-claimant, must have been put on special rich diet for healing process, more particularly, as stated by AW-7 Dr.Shivinder Sobti. Also, the appellant-claimant must have used



conveyance and on account of use of conveyance 'to and fro' to the hospital, not only by the appellant, but also by his family members to take care of him, substantial amount must have been spent by the family of the appellant-claimant. During the period of his hospitalization and after discharge from the hospital also, the appellant must have been looked after, at least, by one attendant, as there was need for 'assisted' living, for some period of time in future, till the appellant-claimant could adept himself to be self-reliant. All these facts have to be taken into consideration. Considering the same, amount of Rs.5000/- each awarded by learned Tribunal, on the counts of 'special diet, transportation and attendant charges' calls for enhancement. On all the three counts, the amount now stands enhanced to **Rs.10,000/-**, **Rs.10,000/-** and **Rs.20,000/-**, respectively.

Looking at the age of the appellant-claimant, obviously, he had suffered disability to the extent of 30% and more particularly, considering the seat of injuries, as deformity of skull was suffered by him, definitely, his chances of marriage prospects, ought to have been reduced. Considering the same, he is bound to make some compromise, with regard to choice of the life partner. Thus, on the count of 'loss of marriage prospects', another amount of **Rs.50,000/-** is awarded.

Further, it is pertinent to the mention that learned Tribunal has given amiss to the compensation to be granted, on the count of 'pain and suffering'. The appellant-claimant, who was of young age, after the accident, must have passed through a very traumatic state of mind, considering the restricted 'assisted living', which he was required to live in future and also, his chances of settlement in life to have been jeopardized.



FAO-1680-2008

-9-

Considering the same, on the count of ‘pain and suffering’, an amount of **Rs.40,000/-** is awarded.

Thus, on various counts, as detailed aforesaid, the compensation is re-computed as herein given:-

1.	Loss of earnings	Rs.4,53,600/-
2.	Medical Bills	Rs.1,42,770/-
3.	Future Medical Need	Rs.50,000/-
4.	Special diet	Rs.10,000/-
5.	Transportation	Rs.10,000/-
6.	Attendant charges	Rs.20,000/-
7.	Loss of marriage prospects	Rs.50,000/-
8.	Pain and suffering	Rs.40,000/-
	Total	Rs.7,76,370/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.7,76,370-2,47,770=Rs.5,28,600/-**. On the enhanced amount of the compensation i.e. **Rs.5,28,600/-**, the appellant-claimant shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation.

Accordingly, the impugned Award dated 10.12.2007 stands modified, to the extent, as indicated aforesaid. With the above observations, the present appeal stands allowed.

March 19, 2026
Vgulati

Whether speaking/reasoned
Whether reportable

(ARCHANA PURI)
JUDGE
Yes
Yes/No