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

1. FAO-855-2008 (O&M)
Date of decision: 12.03.2026

The Oriental Insurance Company Limited

...Appellant

Versus

Anupam Kohli and others

...Respondents

2. FAO-3148-2008 (O&M)
Date of decision: 12.03.2026

Anupam Kohli

...Appellant

Versus

Vijay Kumar Sharma and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Vinod Chaudhri, Advocate
for the appellant-Insurance Company.

Mr. Vardaan Seth, Advocate and
Mr. Harmeet Singh, Advocate for the claimant.

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**VIKAS BAHL, J. (ORAL)**

1. The present order would dispose of two appeals in which challenge is to the same award dated 14.01.2008. First appeal i.e., FAO-855-2008 has been filed by the Insurance Company in which prayer is for reduction of the compensation awarded by the Tribunal. Second appeal i.e.,

FAO-3148-2008 has been filed by the injured-claimant-Anupam Kohli seeking enhancement of compensation. The Tribunal vide award dated 14.01.2008 had awarded total compensation of Rs. 20,38,284/- on account of 100% disability suffered by the claimant in a road side accident which took place on 08.11.2004. In the present case, the only issue that arises for consideration before this Court is whether the compensation awarded is to be increased or decreased as other aspects are not being disputed.

2. Learned counsel for the claimant has submitted that in the present case, monthly income which had been taken into consideration by the Tribunal was Rs.6500/- per month although the same should have been Rs.7500/- per month. It is submitted that the Tribunal had not granted any benefit of future prospects and since the injured was 21 years of age at the time of the accident, thus, additional 40% of the income on account of future prospects should have been granted. It is also highlighted that the multiplier which had been applied by the Tribunal was '16' whereas the multiplier of '18' should have been applied. It is submitted that on account of loss of enjoyment of life and on account of 100% disability, the Tribunal had only awarded an amount of Rs.2,00,000/- each whereas on each of the said account, Rs.5,00,000/- should have been awarded. It is argued that on account of pain and suffering, the Tribunal had awarded a meager amount of Rs.25,000/- whereas the claimant should have been awarded an amount of Rs.50,000/- on the said aspect, as it had been found that the claimant had suffered 100% disability to the whole body and for whole of his life, he would be unable to sit or stand on his own legs and thus, the same has rendered physical wreck. It is thus, submitted that the additional

compensation should be awarded to the claimant along with interest at the rate of 9% per annum from the date of filing of the claim petition till its realisation. In support of his arguments, learned counsel for the claimant has relied upon the law laid down by the Hon'ble Supreme Court in case titled as ***Sarla Verma (Smt.) and others Vs. Delhi Transport Corporation and another*** reported as ***(2009) 6 SCC 121***, ***National Insurance Company Limited Vs. Pranay Sethi and others*** reported as ***(2017) 16 SCC 680***, and ***Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram and others*** reported as ***(2018) 18 SCC 130***.

3. Learned counsel for the Insurance Company, on the other hand, has submitted that once the claimant is claiming future prospects as well as increase in multiplier and has also been paid the amount which he had spent on his medical treatment, then, no further claim on account of loss of enjoyment of life and compensation on account of 100% disability can be claimed by the claimant and the amount already awarded i.e., Rs.2,00,000/- on each of the said two accounts is absolutely adequate and granting any further amount would be against law. It is further submitted that there is no ground to increase monthly income from Rs.6500/- per month to Rs.7500/- per month and thus, the claim made for increase of monthly income is baseless. It is further submitted that even the rate of interest which is sought to be claimed by the claimant i.e., 9% per annum is highly excessive and the highest rate of interest that can be awarded on the additional amount of compensation is at best 6% per annum.

4. Learned counsel for the claimant, after taking into consideration the objections raised on behalf of the Insurance Company, has

submitted the revised chart which is reproduced hereinbelow:-

*"**FAO No 855 of 2008***

***Oriental Insurance v. Anupam Kohli***

*Date of Accident: 08.11.2004*

*Date of Award: 14.01.2008*

*Name of the injured: Anupam Kohli*

*Age of the injured: 21 years*

*Occupation: Engineer*

*Nature of case: Injury Case (100% permanent disability)*

***Details of relief granted***

| **Details** | ***Before the tribunal*** | ***Compensation claimed as per Sarla Verma, Pranay Sethi and Magma General Insurance*** |
|---|---|---|
| *Income* | *Monthly: Rs. 6,500/- Annual: Rs. 78,000-* | *Monthly: Rs. 6,500/- Annual: Rs. 78,000/-* |
| *Future Prospects* | *Not given* | *40% (2600)* |
| *Multiplier* | *16* | *18 (Since 21 years old)* |
| *Permanent Disability* | *100%* | *100%* |
| *Annual Income + Future Prospects* | *Rs.78,000* | *(Monthly Income + 40% x 12) 6500+2600=9100x 12 Rs. 1,09,200* |
| *Loss of Income (Annual income x Multiplier)* | *(78000 x 16)= Rs. 12,48,000/-* | *(109200 x 18)= Rs. 19,65,600* |
| *Pain and Suffering* | *Rs. 25,000/-* | *Rs. 50,000/-* |
| *Medical Bills* | *Rs. 3,65 284* | *Rs. 3,65 284* |
| *Loss of Enjoyment of Life* | *Rs. 2,00,000/-* | *Rs. 2,00,000/-* |

| | | |
|---|---|---|
| *Compensation on account of 100% disability* | *Rs. 2,00,000/-* | *Rs. 2,00,000/-* |
| ***Total*** | *Rs. 20,38,284/-* | *Rs. 27,80,884* |
| *Interest Given* | *7.5% p.a.* | *7.5%* |

*Chandigarh* *Sd/-*
*Dated: 12.03.2026* *(Vardaan Seth)*
*PH/4440/2021*
*Counsel for the Respondent No. 1"*

5. This Court has heard learned counsel for the parties and has perused the paper book and is of the opinion that the claimant is entitled to additional amount of compensation as mentioned above and the claims made in the revised chart are in accordance with law and deserve to be upheld.

6. In the present case, it is not in dispute that the injured-claimant was 21 years of age at the time of accident and thus, multiplier of '18' would be applicable and the Tribunal had wrongly applied multiplier of '16'. On the income assessed by the Tribunal, benefit of future prospects should have also been given and thus, claim made by the claimant on the said account is in accordance with law and deserves to be granted. On account of pain and suffering, since the Tribunal had held that the claimant had suffered 100% disability to the whole body and for whole of his life he would be unable to sit or stand on his own legs and the said disability has rendered him a physical wreck, thus, the claim made on account of pain and suffering to the extent of Rs.50,000/- instead of Rs.25,000/- is also meritorious in the facts and circumstances of the present case. The claimant, in view of the objections raised by the learned counsel for the Insurance

Company, has not claimed any enhancement on the amounts already awarded by the Tribunal on accounts of loss of enjoyment of life and 100% disability. Thus, the claimant is entitled to total compensation of Rs. 27,80,884/- and is entitled to additional amount of compensation of Rs.7,42,600/-. With respect to the rate of interest, this Court has been consistently awarding rate of interest at the rate of 7.5% per annum, which rate of interest is also reasonable in the present case.

7. Keeping in view the abovesaid facts and circumstances, the appeal filed by the Insurance Company i.e., FAO-855-2008 is dismissed and appeal filed by the claimant i.e., FAO-3148-2008 is partly allowed and the award dated 14.01.2008 is modified and respondent No.3-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.7,42,600/- to the claimant-injured along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realisation within a period of six weeks from today.

8. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

**12.03.2026** **(VIKAS BAHL)**
*Pawan* **JUDGE**

**Whether speaking/reasoned:-** **Yes/No**

**Whether reportable:-** **Yes/No**