



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

FAO-3165-2009 (O&M)
Date of Decision: January 21, 2026

Vijay Singh

...Appellant

VERSUS

Ramesh Chand and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

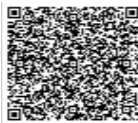
Present: Ms.Deepika, Advocate for
Mr.S.K.Yadav, Advocate for the appellant.

Mr.Nikhil Sehrawat, Advocate for
Mr.Ashwani Talwar, Advocate
for respondent No.3.

ARCHANA PURI, J.

The appellant-claimant has filed the present appeal to seek enhancement of the compensation awarded 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 30.04.2006. On appraisal of the evidence, learned Tribunal concluded about the accident to have taken place, on account of rash and negligent driving of bus bearing registration No.HR-66-3024. It was held by learned Tribunal that the appellant-claimant had sustained injuries in the accident in question. The appellant-claimant was 16 years old, at the relevant time and he was student of Class 10. He remained admitted in the hospital from 01.05.2006 to 10.05.2006 and the expenditure incurred on his treatment, on the basis of



bills Ex.P3 to Ex.P24, is amounting to Rs.16,895/- and an amount of Rs.18,000/- was awarded on the medical expenditure. Further, while the appellant-claimant to have remained out of work for a period of three months, his loss of income was assessed as Rs.3000/- per month and thus, an amount of Rs.9,000/- was awarded. On the count of disability, an amount of Rs.50,000/- was awarded and Rs.23,000/- was awarded, on the count of ‘pain and suffering’. The compensation so worked upon by learned Tribunal, is now reproduced in tabular form, as herein given:-

Medical expenditure	Rs.18,000/-
Loss of income for 3 months	Rs.9,000/-
On the count of disability	Rs.50,000/-
Pain and suffering	Rs.23,000/-
Total	Rs.1,00,000/-

Be it noted that it is only the appeal filed by the appellant-claimant and the persons, upon whom the liability was fastened, as such, have not filed any appeal.

However, the ‘work on’ of the compensation aforesaid, do call for re-determination, as various counts, essential to be taken note of, while making assessment of compensation in injury case, have been given amiss.

Before proceeding further, it is necessary to take into consideration 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. Time and again, it has been emphasized upon by the Courts that the ‘**just**’ compensation is adequate compensation and the Award must be just that-‘**no less and no more**’. As such, the Courts should 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



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impact of the accident on his/her life, on account of his/her physical disability. The Courts should be mindful of the fact that though, the physical disability may be on the lesser count, but the functional disability, on account of injury sustained, can always 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*. It is the functional disability, which ought to be taken into consideration.

In this backdrop, at first instance, considering the disability suffered by the appellant-claimant in the case in hand, from the evidence adduced, it is evident that the claimant had suffered femur fracture of the left leg and he remained admitted in the hospital and rod was inserted. The disability certificate has been proved by way of examination of PW-3 Dr.Dinesh Podar, who was member of the board of doctors, who had assessed the disability. However, finding with regard to the nature of the disability, has been erroneously given by learned Tribunal. This witness had stated that the claimant had suffered from temporary disability to the tune of 17%, on account of range of motion of left knee joint reduced by 50% with superficial complication and the patient was advised to review, after two months of removal of screw. The copy of the disability certificate is Ex.PW3/A.

Perusal of the same reveals that it was screw fixation of the left condylar fracture femur and movement of the left knee joint reduced by 50% with superficial complication and review was advised after two months of removal of screw. The disability assessed was stated to be 17%, but



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temporary in nature. Thus, the finding with regard to the disability so suffered, to be permanent, as such, is hereby reversed and it is taken as temporary disability.

Anyhow, PW-3 Dr.Dinesh Podar, while facing cross-examination had also stated that the disability will decrease to the extent of 3%, after removal of screw. Meaning thereby, it will remain upto 14%, but however, the impact of said disability, as such, ought to be considered. The claimant was 16 years old, at the relevant time. He was yet to choose his career. On account of screw having been inserted in the left leg, definitely certain options of the career building, as such, which require highest level of physical fitness, more particularly, the defence service, is bound to have become restricted choice. Otherwise also, body functionality is bound to be affected, on account of screw having inserted, due to the injuries sustained by the appellant.

In the given circumstances, considering the loss of functionality of the body also, the disability, as such, is taken as 17% only. Considering it to be so, the loss, as such, has to be assessed. Even though, learned Tribunal had considered the loss of income as Rs.3000/- per month, but however, considering the prevalent minimum wages, as the appellant was student 10th class and was bound to have good choice of career, in his further life, in modest estimate, the loss of earning is taken as Rs.4000/- per month.

Taking it to be so and considering the age of the appellant-claimant, the loss is assessed as $\text{Rs.}4000 \times 12 \times 18 \times 17\% = \text{Rs.}1,46,880/-$.

Learned Tribunal had granted Rs.18,000/-, on the count of 'medical expenditure', on the basis of the medical bills proved in evidence.

However, this also calls for enhancement, as definitely, the appellant has to



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visit hospital in future also, for the removal of the screw, inserted in the left leg and thus, considering the same, for the future medical expenses, another amount of Rs.20,000/- is granted, apart from Rs.18,000/-. Thus, on the count of 'medical expenditure and future medical expenses', compensation is awarded to the extent of **Rs.38,000/-**.

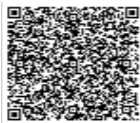
The appellant-claimant, on account of the injuries sustained, must have passed through a very traumatic state of mind, more particularly, considering his age. Considering the same, on the count of 'pain and suffering', the compensation of **Rs.50,000/-** is granted.

During the period of hospitalization and some time thereafter, on account of injuries sustained, many trips must have been made to the hospitals. Also, the appellant-claimant must required such trips to be made in future also. Considering the same, on the count of 'transportation charges', amount awarded is to the extent of **Rs.10,000/-**.

Furthermore, for some period of time, after the accident, in the minimum and even, looking at the kind of injuries sustained, the appellant-claimant must have been looked after by a bye-stander/attendant throughout. Even if, the appellant-claimant was being looked after only by his family members, then also, it should be noted that they could perform the role of care-giver, only by diverting their own time, from any form of gainful employment, which could have generated some income. Thus, on the count of 'attendant charges', an amount of **Rs.10,000/-** is granted.

Obviously, during the period of treatment and some time thereafter, the appellant-claimant must have been put on special rich diet, for the healing process. On this count also, amount of **Rs.10,000/-** is awarded.

On account of disability, the marriage prospects of the



appellant-claimant have also been reduced to some extent. Thus, on the count of ‘loss of marriage prospects’, another amount of **Rs.50,000/-** is awarded.

Thus, on various counts, as detailed aforesaid, the compensation to be granted to appellant-claimant-Vijay Singh, is re-computed, as herein given in tabular form:-

Loss on account of disability	Rs.1,46,880/-
Medical expenses and future medical expenses	Rs.38,000/-
Pain and suffering	Rs.50,000/-
Transportation	Rs.10,000/-
Attendant charges	Rs.10,000/-
Special diet	Rs.10,000/-
Loss of marriage prospects	Rs.50,000/-
Total	Rs.3,14,880/-

As such, the compensation, so awarded by learned Tribunal, stands enhanced from **Rs.1,00,000/-** to **Rs.3,14,880/-**. On the enhanced amount of compensation i.e. $Rs.3,14,880-1,00,000=Rs.2,14,880/-$, 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 12.02.2009 stands modified, to the extent, as indicated aforesaid. The residue terms of the impugned Award, shall remain the same.

With the above observations, the present appeal stands allowed.

January 21, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No