2026:PHHC:058325

307

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.3772 of 2023
Date of decision : 08.04.2026

Mohan Singh @ Mohan Lal ....Appellant

Versus

Abhishek Kumar and others ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sagar Aggarwal, Advocate
for the appellant.

Mr. Sanjeev Kodan, Advocate
for respondent No.3-Insurance Co.

PANKAJ JAIN, J. (ORAL)

Injured-claimant is in appeal seeking enhancement of compensation awarded by the Tribunal in a petition filed under Section 166 of the Motor Vehicles Act, 1988 on account of permanent disability suffered by the claimant.

2. The claimant suffered injuries in a motor-vehicular accident dated 13.02.2022. As per the medical evidence on record, the claimant suffered multiple injuries including fracture of left tibia, fracture of right femur, left hip dislocation and left sciatic nerve injury. He remained hospitalized and bed ridden from 12.02.2022 till 11.04.2022. As per Ex.98, he was held to be permanently disabled to the extent of 50%. The doctors

opined that on account of injuries suffered by him, the claimant shall not be able to pursue his avocation as a mason which he was pursuing for earning his livelihood prior to the accident. The compensation awarded by the Tribunal is tabulated as under:

	Heads of claim	**Tribunal**
Sr. No.		Amount (Rs.)
1.	Monthly income	11,080/-
2.	Annual income	1,32,960/-
3.	Functional disability	50%
4.	Loss of Income	66,480/- (50% of 1,32,960/-)
5.	Multiplier	14
6.	Net Loss of Income	66480 x 14= 9,30,720/-
7.	Future Prospects 25%	2,32,680/-
8.	Total loss of income	9,30,720+2,32,680= 11,63,400/-
9.	Medical expenses	4,69,388/-
10.	Pain and sufferings (i) hospitalization 43 days (ii) Multiple fractures (iii) Multiple Surgeries	 20,000/- 20,000/- 20,000/-
11.	Loss of income (one year)	11,080 x12 = 1,32,960/-
12.	Special died	20,000/-
13.	Attendant Charges	20,000/-
14.	Transportation charges	20,000/-
15.	**Total**	**18,85,748/-**

3. Counsel for the appellant submits that the Tribunal erred in awarding compensation merely on the basis of permanent disability assessed by the Medical Board, ignoring functional disability suffered by the appellant. He submits that once medical opinion has come on record that the claimant shall not be able to do masonry or labour work for the remainder of his life as it is extremely difficult for him to sit, to squat, or stand for long

period, to walk long distance or to climb, the Tribunal ought to have taken the functional disability of the claimant as 100% and awarded compensation accordingly.

4. Per contra, counsel for respondent No.3 submits that in every case the permanent disability cannot be translated into 100% functional disability. In the present case, the claimant even though may not be able to pursue his avocation as a mason, but still can act as a construction adviser/contractor.

5. I have heard counsel for the parties and have carefully gone through records of the case.

6. In the considered opinion of this Court, the Tribunal ought to have awarded compensation to the claimant taking into consideration his functional disability *vis-a-vis* permanent disability suffered by the claimant. As per the claimant, he was working as a mason. Medical evidence suggests that it has become difficult for the claimant to sit, to squat or to stand for long hours. As per medical experts, the claimant shall not be able to pursue his vocation as a mason.

7. In these circumstances, the functional disability suffered by the claimant is thus taken to be 65%. The impugned award is accordingly, modified as under:

	Heads of claim	**Tribunal**
Sr. No.		Amount (Rs.)
1.	Monthly income	11,080/-

2.	Annual income	1,32,960/-
3.	Functional disability	65%
4.	Loss of Income	86,424/- (65% of 1,32,960/-)
5.	Multiplier	14
6.	Net Loss of Income	86,424 x 14= 12,09,936/-
7.	Future Prospects 25%	3,02,484/-
8.	Total loss of income	12,09,936+3,02,484= 15,12,420/-
9.	Medical expenses	4,69,388/-
10.	Pain and sufferings	1,50,000/-
11.	Loss of income (one year)	11,080 x12 = 1,32,960/-
12.	Special diet	50,000/-
13.	Attendant Charges	50,000/-
14.	Transportation charges	50,000/-
15.	Loss of amenities of life	50,000/-

8. Rate of interest payable at the enhanced amount, shall abide by Para No.21 of the award.

9. Needless to say, anything paid to the claimant in execution of the award shall be adjusted and set off.

10. With the aforesaid modification in the impugned award, the appeal is disposed off.

April 08, 2026 **(Pankaj Jain)**
Dpr **Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No