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

**FAO No.5135 of 2024 (O&M)
Date of Decision : 18.02.2026**

SumitAppellant

Versus

Satish and othersRespondents

CORAM: HON'BLE MR JUSTICE PANKAJ JAIN

Present: Ms. Perna Aggarwal, Advocate for
Mr. Kulvir Narwal, Advocate for the appellant.

Mr. Sanjeev Kodan, Advocate for respondent No.3.

PANKAJ JAIN, J. (ORAL)

CM No.19465-CII of 2024

This is an application filed under Section 151 CPC seeking
condonation of delay of 56 days in re-filing the appeal.

For the reasons recorded in the application, this Court is
satisfied that the applicant/appellant has made out a sufficient cause for
condonation of delay.

Consequently, the present application is allowed. Delay of 56
days in re-filing the present appeal, is hereby condoned.

FAO No.5135 of 2024

Claimant is in appeal seeking enhancement of compensation
awarded by MACT, Charkhi Dadri.



2. Claimant filed claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of serious injuries suffered by him in a motor-vehicular accident, dated 10.10.2017 at the age of 26 years.

3. It has come on record that the claimant was hospitalized after accident and was operated upon 10.10.2017. On 16.10.2017, he again underwent a surgery before being discharged on 27.10.2017. He was again hospitalized on 08.01.2017 and was thereafter discharged on 12.01.2018. Disability Certificate Ex.PW-10/A was proved by examining Dr. Sunaina, PW-10. As per medical expert, the claimant is having permanent disability of 54% *qua* right side of moderate hemiparesis due to FT contusion with SDH and 35.6% *qua* hearing impairment and thus he became permanent disabled to the extent of 68.24%. The claimant was working as a Loading Supervisor with Swift Road Links Private Limited. His salary certificate, Exhibit PW-6/A has been proved. As per which, his gross salary was Rs.14,500/- per month.

4. Tribunal assessed compensation applying multiplier method taking functional disability of the claimant as 30% and awarded compensation as under:

1.	For pain and suffering	Rs.1,00,000/-
2.	For transportation	Rs.35,355/-
3.	For attendant	Rs.50,000/-
4.	For special diet	Rs.10,000/-
5.	Medical bills	Rs.10,35,461/-
6.	Future loss of income due to Permanent disability	Rs.8,87,400/-



7.	Loss of enjoyment of life	Rs.22,000/-
	Total	Rs.21,40,216/-

5. In the considered opinion of this Court, the compensation needs to be re-worked in terms of ratio of law laid down by Supreme Court in the case of ‘**Sidram vs. The Divisional Manager, United India Insurance Co., Ltd. and anr.’, 2023(1) RCR (Civil) 44.**

7. The Tribunal erred in assessing the functional disability of the claimant as 30% when he has suffered permanent disability of 68.24 % as per the medical expert. Accordingly, the compensation is re-worked and re-assessed taking permanent disability of 70% of the claimant into account.

8. As per salary certificate proved on record as PW-6/A, the injured at the time of accident was earning Rs.14,500/- per month. Thus, his annual income comes to Rs.14,500/- X 12 = Rs.1,74,000/-. 40% future prospects need to be added. Keeping in view the age of injured at the time of accident i.e. 26 years, multiplier of 17 needs to be applied. At the prime age of 26 years, the injured has been rendered permanently disabled. On account of 70% permanent disability suffered by the claimant, an amount of **Rs.5,00,000/-** is awarded for pain and suffering. For future medical expenses, the appellant is awarded a sum of **Rs.5,00,000/-**. For transportation, the appellant is awarded **Rs.2,00,000/-**. For attendant charges, he is awarded **Rs.2,50,000/-**. For loss of amenities in life, appellant is awarded a sum of **Rs.1,00,000/-**. Claimant shall also be entitled for interest @ 7.5% per annum from the date of filing of the claim petition till



the date of actual realization.

9. Needless to say, any amount already paid to the appellant/
claimant shall be set off.

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

February 18, 2026

(Pankaj Jain)

Dpr

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No