



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

116

FAO-181-2022 (O&M)

Date of decision :15.01.2026

GURWINDER SINGH

...APPELLANT

VERSUS

JITENDRA YADAV AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Munish Behl, Advocate
For appellant.

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

PARMOD GOYAL, J. (ORAL)

The appellant/claimant being aggrieved by the award dated 19.07.2021 passed by Motor Accident Claims Tribunal, Faridabad (hereinafter referred to as “Tribunal”), vide which compensation amounting to Rs. 31,12,836/- was granted on account of injuries sustained by him in the accident dated 05.08.2018 on account of rash and negligent driving by respondent No.1, while driving offending dumper truck bearing registration number HR-38S-6537 (hereinafter referred to as “Offending vehicle”), has preferred present appeal.

2. Learned Tribunal granted following compensation to the appellant/claimant:

1.	Income	Rs.17,083/-
2.	70% Functional Disability	Rs.11,958/-
3.	Multiplier	18
4.	Loss of Income	Rs. 25,82,950/-



		(11,958x18x12)
5.	Medical Expenses	Rs. 5,99,886/-
6.	Artificial limp	Rs. 3,00,000/-
7.	Transportation and Special diet	Rs.3,00,000/-
8.	Pain and sufferings	Rs.1,00,000 /-
9.	Loss of marriage prospects	Rs. 2,00,000/-
10.	Loss of amenities	Rs. 1,00,000/-
11.	Total Compensation awarded	Rs. 39,12,836/-

3. The facts of the case are not in dispute. Issue No.1 was decided in favor of the appellant/claimant, and no appeal has been filed by the respondents, thus the decision on that issue has attained finality. The only matter which arises for consideration in the present appeal is regarding enhancement of compensation.

4. It is the case of appellant/claimant that on 05.08.2018 the appellant/claimant was going on motor cycle bearing registration No.HR 29 AP 9259 from Faridabad to Gurugram for his night duty and when he reached near Pali Chowk, the offending vehicle came at high speed and hit the motorcycle causing grievous injuries to appellant/claimant. After that Appellant/claimant was taken to Asian Institute of medical Sciences Faridabad for treatment and remained admitted there from 05.08.2018 to 14.08.2018. Amputation below knee was done. The appellant/claimant was again admitted in the hospital on 25.10.2018 and was discharged on 28.10.2018.

5. Learned counsel for the appellant/claimant contends that the appellant/claimant has spent huge amount on treatment and the learned Tribunal ought to have granted Rs.9,00,000/- towards medical expenses and



Rs.50,00,000/- towards future treatment. It is further contended that learned Tribunal has erred in awarding sum of Rs 3,00,000/- towards fixing of artificial limp which ought to be granted as Rs 20,00,00/- as the limp requires to change after every 3 years.

6. Admittedly, PW-2 Agam Subed Dikshit had proved that the appellant/claimant had purchased artificial limb for an amount of Rs. 3,00,000/-. PW5 Neeraj Saini, field boy SS Life Care Pvt. Ltd. and PW7 Varun Daini, Asian hospital, had proved the medical bills Ex. P11 to Ex. P29 and Ex. P30 to P100 respectively. PW-8 Anoop Basati, Assistant Manager, TLC Worldwide Services had proved that the appellant/claimant was working as Sales executive and proved his appointment letter Ex.PW 8/1. PW-9 Dr. Ravi Shankar assessed the disability of the appellant/claimant to the extent of 70%, and proved disability certificate Ex. PW/9.

7. Learned Tribunal has taken income of claimant to be Rs.17,083/-per month as proved by appellant/claimant by way of evidence of PW-8. It was held that appellant-claimant was doing job of Sales Executive in TLC Worldwide company and salary as per salary slip was duly accepted by learned Tribunal. Therefore, the argument that the learned Tribunal has taken income of injured on the lower side is without any basis. The income pleaded by appellant/claimant has been taken in totality by learned Tribunal. Appellant/claimant was aged about 22 years at the time of accident, therefore, no fault with the approach of learned Tribunal in applying multiplier of '18' can be found. However, no future prospects were taken in consideration, which learned Tribunal ought to have taken. Compensation under all other conventional heads cannot be held to be



on the lower side and has been given keeping in view nature of injuries, extent of permanent disability, period of treatment etc. Compensation for medical expenses is as per bills/expenses proved by claimant. However I find merit in contention of learned counsel for appellant that claimant-appellant is entitled to compensation for future medical expenses as accessories/artificial limb would be required to be changed, however no evidence regarding frequency for such change has been proved.

8. Accordingly, claimant-appellant shall be entitled to following compensation :-

Income of injured	Rs. 1,7083/- per month	Rs. 1,7083/- per month
40 % Future prospects	(1,7083+6,883)	Rs. 23,966/-
70% functional disability		Rs. 16,776/-
Multiplier	18	18
Total loss of dependency	(16,776x18x12)	Rs. 36,23,616/-
Medical Expenses	Rs. 5,99,886/- (awarded by Tribunal)	Rs. 5,99,886/-
Artificial limb	Rs. 3,00,000/-(awarded by Tribunal)	Rs. 3,00,000/-
Transportation and special diet	Rs. 3,00,000/-(awarded by Tribunal)	Rs. 3,00,000/-
Pain and sufferings	Rs. 1,00,000/-(awarded by Tribunal)	Rs. 1,00,000/-
Loss of marriage prospects	Rs. 2,00,000/-(awarded by Tribunal)	Rs. 2,00,000/-
Loss of amenities	Rs. 1,00,000/-(awarded by Tribunal)	Rs. 1,00,000/-
Future medical expenses		Rs.3,00,000/-
Compensation awarded by Tribunal	Rs. 39,12,836/-	
Compensation awarded in appeal		Rs. 55,23,502/-
Enhancement of compensation	Rs.55,23,502/- (awarded in appeal) - Rs. 39,12,836/-(awarded by Tribunal)	Rs. 16,10,666/-



9. In these circumstances, compensation awarded by Learned Tribunal is enhanced to Rs.16,10,666/- accordingly. The appellant shall also be entitled to interest at the rate 7.5% per annum on enhanced amount from the date of filing of the claim petition till its realization. The apportionment and liability to pay compensation shall be as per the award. Accordingly, the appeal is allowed in above terms.

10. Pending application(s) if any, stand disposed of.

15.01.2026

ravinder

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No