IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-5162-2017 (O&M)
Reserved on: 17.03.2026
Pronounced on : 20.05.2026
Uploaded on: 21.05.2026

Rachhpal Singh ....Appellant

V/s

Kuldeep Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Argued by: Mr. Harsh Gupta, Advocate for
Mr. VPS Mithewal , Advocate, for the appellant.

Mr. Vinod Gupta , Advocate, for respondent No.3- ins. co.

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VIKRAM AGGARWAL, J.

The instant appeal has been preferred by the appellant-claimant (Rachhpal Singh) seeking enhancement of compensation awarded vide Award dated 07.11.2016 passed by the Motor Accident Claims Tribunal, Ludhiana (for short 'MACT').

2. The appellant instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'MV Act') seeking compensation of Rs.30 Lakhs on account of injuries suffered by him in a motor vehicular accident which took place on 16.04.2011.

3. The case of the appellant was that on 16.04.2011, he alongwith Hardeep Singh, was going on his Bajaj Discover motorcycle bearing registration No.PB-43D-3849 from Village Katani Kalan towards Neelon Canal while checking towers. At about 2.30 p.m., when they reached at Chowk Katani Kalan, G.T.Road, Ludhiana and the appellant was about to cross the road, a car bearing registration No.PB-05N-2884(herein referred to as the offending vehicle) being driven by respondent No.1 came from

Neelon side at a high speed and in a rash & negligent manner and struck against the motorcycle of the claimant. As a result of the same, the appellant and Hardeep Singh fell on the road and the appellant sustained injuries on various parts of his body and his right leg was fractured. It was averred that he remained admitted in Sidhu Hospital from 16.04.2011 to 29.04.2011. He was also operated upon. He claimed to have spent Rs.5 lakhs on his treatment. It was claimed that the claimant was 27 years old and was working as a Technician in M/s IPS Technocrats Pvt. Ltd. and was getting a salary of Rs.9500/- per month. It was also averred that he was doing the work of agricultural and dairy farming as well and was earning Rs.12000/- per month from the same making his total income to be Rs.21500/- per month.

4. FIR No. 80 dated 17-4-2011 was registered under Sections 279, 337, 338 & 427 IPC against respondent No. 1 at P. S. Sahnewal.

5. It was further averred that prior to the accident, the appellant was hale & hearty and was doing his duty very well. Due to the said accident, he remained in great mental tension & agony and was unable to do his routine work. He is unable to walk properly without the assistance of any person and he is totally dependent on others. Therefore, a sum of Rs. 30 Lacs alongwith interest as compensation was claimed . .

6. Respondents No.1 and 2 (driver and owner of the offending vehicle) filed a joint written statement. The factum of the accident was denied.

7. Respondent No.3 (insurance company) filed a separate written statement raising its usual defences. The factum of the accident was denied.

8. From the pleadings of the parties, following issues were framed:

"1. Whether Rachhpal Singh suffered injuries in motor vehicular

accident occurred on 16-4-2011 at about 2.30 p.m., in the area of Chowk Katani Kalan, G.T.Road, Ludhiana, due to rash & negligent driving of respondent No.1 Kuldeep Singh while driving Tavera Car No. PB-05N-2884 ? OPP

2. Whether claimant is entitled to claim compensation. If so, to what extent and from whom? OPP

3. Whether respondent No.1 was not holding valid and effective driving license at the time of alleged accident ? OPR

4. Whether respondent No.1 was not having valid vehicular documents of the offending vehicle at the time of accident ? OPR

9. Parties led their respective evidence.

10. On issue No.1, it was held that the accident had been caused on account of the rash and negligent driving of the offending vehicle by respondent No.1.

11. On issue No.2, i.e. the quantum of compensation, the MACT awarded the following compensation:-

Loss of income for 35 days	Rs.15000/-
Compensation on account of actual medical bills/expenditure	Rs.3,29,156/-
Compensation on account of special diet	Rs.35,000/-
Compensation on account of disabilty	Rs.60,000/-
Total	Rs.4,40,000/-

12. Aggrieved by the grant of inadequate compensation, the present appeal was preferred.

13. I have heard learned counsel for the parties.

14. Learned counsel for the appellant (claimant) submitted that the compensation granted by the MACT is inadequate and the same deserves to be enhanced. He submitted that the loss of income was only granted for a period of 35 days and the loss of income with regard to the future prospects was not assessed by the tribunal at all though the appellant had suffered permanent disability. It was further contended that the appellant had suffered a severe injury in his right hip as a result of which, he remained admitted in

hospital from 16.04.2011 to 29.04.2011 and had also undergone a hip replacement surgery which had been corroborated through the statement of Dr. Ravinder Singh Sidhu (CW6). Reference was also made to other documents and disability certificate (Ex C3) which was produced on record to show that the appellant had suffered a permanent disability of 55% due to which he was unable to do his work. Learned counsel further submitted that the compensation should be granted by considering the law laid down by the Supreme Court of India in **Baby Sakshi Greola vs. Manzoor Ahmad Simon 2024 SCC Online SC 3692 , Sudheesh M vs. MK Purushothaman and Ors CA-13818-2025 decide on 07/11/2025** and passed by this court in the case of **Taranveer Ladi vs. Manjit Singh 2026 NCPHHC 23809** and **Karampreet Kaur vs. Kulwant Singh 2025 NCPHHC 155532 .**

15. *Per contra*, learned counsel for the respondent-insurance company, submited that no permanent disability was suffered by the appellant and, therefore, the compensation awarded by the MACT is adequate.

16. I have considered the submissions made by learned counsel for the parties.

17. Since no appeal has been filed by the Insurance company, the findings on issue No.1 are affirmed.

18. Coming to the issue of quantum of compensation, the MACT, in the considered opinion of this Court did not examine the matter from the correct perspective. A sum of Rs.15,000/- was awarded on account of loss of income for the 35 days stay in the hospital. This was done without assessing the income of the claimant/appellant. It had been claimed by the appellant that he was working as a Technician in M/s IPS Technocrats Pvt. Ltd. and was getting a salary of Rs.9500/- per month. He is also stated to

have been involved in agricultural and dairy farming from which, he was earning Rs.12,000/- per month. The total income was, therefore, claimed to be Rs.21,500/- per month. To prove his income, the appellant produced his pay-slip as Ex.C2 issued by one M/s IPS Technocrats Pvt. Ltd. As per the said pay-slip, the pay of the appellant, who was stated to be working as a Technician, was Rs.9922/- per month. Baljinder Jain, Assistant Accountant of M/s IPS Technocrats Pvt. Ltd. stepped into the witness box as CW3 and produced the salary record of the appellant as Ex.PW3/A. His basic salary was stated to be Rs.7700/- per month and after adding benefits, it was stated to be around Rs.10,000/- per month. He also proved the salary slip Ex.C2. No other evidence was produced to prove that the appellant was doing the work of agriculture and dairy farming also except for the bald statement of the appellant himself. Under the circumstances, the monthly income of the appellant, at the relevant time, can be taken to be Rs.10,000/- per month.

19. Coming to the disability, two certificates came on record. Ex.C3 was a certificate dated 15.01.2013 issued by the Dayanand Medical College & Hospital, Ludhiana, stating that the appellant had suffered a permanent disability of 55%. Then, there is a certificate dated 26.05.2016 (Ex.CZ) issued by the Civil Surgeon, Ludhaina stating that the permanent disability suffered by the appellant was 30%.

20. Concededly, no board was constituted to assess the permanent disability. One Dr. Mohd. Yamin, Professor and Head, Department of Orthopedics, Dayanand Medical College & Hospital, Ludhaina stepped into the witness box as CW8 to prove the disability certificate as Ex.C3. In the cross-examination, he stated that no board was constituted to assess the disability as the certificate pertained to orthopedic injury alone. He stated that under the circumstances, there was no need to constitute a board. Dr.

Ravinder Singh Sidhu, Orthopedic Surgeon, Sidhu Hospital, GT Road, Doraha (CW6) stated that the appellant had been discharged in a satisfactory condition.

21. There is, therefore, a conflict in the disability certificates. No proper board was constituted. One disability certificate of 2013 states that the permanent disability was 55% whereas, the certificate of 2016 states it was 30%. One thing which emerges from the two disability certificates is that the permanent disability had decreased from 55% to 30%.

22. The appellant had undergone a hip replacement of one side. The disability as regards the whole body is not known. There is also no opinion as to whether the disability would reduce with time or not. Further, there is no opinion as to whether the appellant would be able to carry out his normal chores or not. These days, technology having advanced, hip replacement does not cause much functional disability except for certain high intensity activities or squatting on the floor or sitting cross legged. No doubt, a person undergoing a hip replacement surgery is not able to lead as normal a life as that of a normal person but at the same time, such a person is able to carry out a variety of activities. Since the appellant was stated to be employed as a Technician in M/s IPS Technocrats Pvt. Ltd., the maximum functional disability can be taken to be 15%.

23. Apart from the compensation on account of disability, compensation under other heads is also required to be granted as has been held by the Hon'ble Apex Court in **Baby Sakshi Greola vs. Manzoor Ahmad Simon** (supra) and **Sudheesh M vs. MK Purushothaman and Ors** (supra)**.** The compensation on account of pain and suffering deserves to be enhanced to Rs.1.5 lakhs. The compensation on account of loss of income due to hospitalization and recovery can be enhanced to Rs.50,000/- as such

recoveries take time. No change is required to be made in the medical expenses or in the compensation granted on account of special diet or transportation. A sum of Rs.1 lakh deserves to be granted for future treatment. The loss of income would be carried out after assessing the monthly income along with future prospects. The compensation is, therefore, reassessed as under:-

Sr. No.	**Heads**	**Assessed by the MACT**	**Enhanced by this court**
1.	Monthly income	-	Rs.10,000/- per month
2.	Future prospects	-	@ 40% of assessed income, making income to Rs.14,000/- per month
3.	Multiplier	--	'18' (14000/-x 12 x18) Total income Rs.30,24,000/-
5.	Loss of future income	--	**Rs.4,53,600/-** (@ 15% of Rs.30,24,000/-)
6.	Medical expenses	Rs. 3,29,156/-	**Rs.3,29,156/-** (no change)
7.	Loss of income during hospitalization	Rs.15000/-	**Rs.50,000/-**
8.	Future medical expenses	--	**Rs. 1,00,000/-**
9.	Pain and suffering	--	**Rs. 1,50,000/-**
10.	*Special diet*	*Rs. 35000/-*	***Rs. 35000/-** (no change)*
	Total	*Rs. 4,39,156/-*	***Rs.11,17,756/-***

24. The total compensation, therefore, comes to Rs.11,17,756/-. After deducting a sum of Rs.4,39,156/- (rounded off to Rs.4,40,000/-) as assessed by the MACT, the balance compensation comes to Rs.6,77,756/-. This amount would be payable in addition to the amount assessed by the learned MACT along with interest @ 7.5% annually. The disbursal and liability to pay the same would be as per the award.

25. The present appeal is accordingly disposed of.

26. Pending application(s), if any, shall also stand disposed of .

(VIKRAM AGGARWAL)
JUDGE

Pronounced on 20.05.2026
vcgarg/t

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No