



**139(1) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-3023-2018

Date of Decision:25.05.2026

SANJEEV

...APPELLANT

Versus

SUKRAM RANA AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Kunal Phogat, Advocate for
Mr. Ashish Gupta, Advocate
for the appellant in FAO No.3023-2018.

Mr. Raj Kumar, Advocate
for respondent No.3-Insurance Company.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by injured/appellant/claimant being aggrieved by the impugned award dated 22.12.2017, passed by learned Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'Tribunal') vide which Rs.1,21,815/- was awarded on account injuries suffered by him in motor vehicular accident dated 11.12.2016, caused due to the rash and negligent driving of respondent No.1 while driving Tractor bearing registration No.HR-05AM-4072.

2. Learned Tribunal had awarded following compensation to the injured/appellant/claimant:

Medical Expenses	Rs.58,815/-
Loss of future earnings on account of permanent disability	Rs.18,000/-
Pain and Sufferings	Rs.40,000/-
Hospitalization	Rs.5,000/-
Total compensation awarded	Rs.1,21,815/-

3. It is the case of the injured appellant/claimant that he had suffered multiple grievous injuries on his body. He also suffered fracture on left knee for which he was operated and an iron rod was inserted, leading to permanent disability. As per the injured/appellant/claimant he was initially taken to Haryana Nursing home, Karnal. Dr Gaurav Sachdeva PW-3 who examined the injured appellant- claimant stated that the injured appellant-claimant suffered fracture lateral condyle left femur and inter condylar fracture left tibia compound with wound 15x5 cm over the left knee. He was treated for lateral femoral condyle fixed with lag screw and tibia condyles fixed with lag screw and external fixator applied and debridement was done on 11.12.2016. Dr. Vinod Kumar PW-4, the orthopedic surgeon assessed 9% permanent disability qua the whole body of the injured appellant-claimant.

4. In the present case, learned counsel for injured appellant/claimant has claimed compensation on account of 9% permanent disability, suffered by injured appellant-claimant on account accident. He has further challenged the award of compensation on the ground of non-grant of compensation under the future loss of income, future prospects, special diet and attendant charges. Injured appellant/claimant also sought compensation for loss of income during period of treatment and enhancement under the head pain and sufferings.

5. Admittedly, the age of injured appellant/claimant was 32 years at the time of accident multiplier of '16' for determining loss of earning capacity has to be taken. In absence of any evidence regarding monthly income of deceased, notional income of injured/appellant was taken as Rs.8,280/- minimum wages prevalent at the time of accident. Approach of learned Tribunal in this respect cannot be faulted with. Keeping in view

nature of permanent disability the functional disability is determined as 9%. For determining loss of earning capacity, appellant-claimant is also entitled to addition of future prospects to the extent of 40%. Same is accordingly awarded. Injured appellant- claimant shall also be entitled to amount of Rs.10,000/- under the head special diet and attendant charges. Injured appellant-claimant must have remained out of work for at least 3 months therefore, injured appellant-claimant is entitled to Rs.24,840/- (Rs.8,280/- x 3) on account of loss of income during treatment.

6. Reworked compensation payable to injured appellant-claimant is as follows:

Income	Rs.8,280/- per month (as per minimum wages)	Rs.8,280/- per month
9% permanent disability	9% of Rs.8,280/-	Rs.745/-
Future prospects	40% (745 +298)	Rs.1,043/-
Multiplier	16	16
Loss of earning capacity	Rs.1,043 x 16 x12	Rs.2,00,256/-
Special diet, transportation and attendant charges etc.		Rs.10,000/-
Pain and Sufferings	Rs.40,000/- (by Tribunal)	Rs.40,000/-
Loss of income during treatment	Rs.8,280/- x 3	Rs.24,840/-
Medical expenses and treatment charges	Rs.63,815/- (Rs.58,815/-+ Rs.5,000/-) by Tribunal	Rs.63,815/-
Compensation for loss of future amenities and loss of future prospects		Rs.40,000/-

Compensation awarded by Tribunal	Rs.1,21,815/-	
Compensation awarded in appeal		Rs.3,78,911/-
Enhancement of compensation	Rs.3,78,911/-(awarded in appeal)- Rs.1,21,815/-(awarded by Tribunal)	Rs.2,57,096/-

7. Appellant is, therefore, held entitled to enhanced compensation of Rs.2,57,096/- along with 7.5% interest on enhanced amount from date of filing of petition till realization. Apportionment and liability to pay compensation shall be as per award. Present appeal is accordingly allowed.

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

25.05.2026
Ravinder

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

:
:

Yes/No
Yes/No