

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****113****FAO-741-2018(O&M)****Date of decision: 06.05.2026****Karam Singh****...Appellant(s)****Vs.****M/s Jujhar Passengers Bus Service Private Limited & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Charanpal Singh Bagri, Advocate
for the appellant.

Mr. Inder Jit Sharma, Advocate
for respondent No.1.

Mr. Lalit Garg, Advocate
for respondent No.3.

NIDHI GUPTA, J.

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.14,33,800/- awarded by the Motor Accident Claims Tribunal, Rupnagar (hereinafter 'the learned Tribunal') vide Award dated 16.08.2016 passed in MACT Case No.157 dated 09.07.2014 filed under Section 166 of Motor Vehicles Act (hereinafter "the Act").

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the appellant had suffered injuries in a motor vehicular



accident that took place on 15.02.2014 at about 12 pm due to the rash and negligent driving of Bus bearing registration No.PB-29-R-9700 (hereinafter “the offending vehicle”) being driven by respondent No.2, owned by respondent No.1, and insured by respondent No.3. The compensation has been awarded along with interest @ 9% per annum. Respondents were held jointly and severally liable to pay the compensation.

3. Learned counsel for the appellant inter alia submits that in the accident dated 15.02.2014, the appellant had suffered 80% permanent disability as his right thigh was amputated. It is submitted that at the time of accident, the appellant was only 46 years old. Prior to the accident, the appellant had been working as a Crane Operator in Dubai and earning Rs.70,000/- per month. Due to the above-said disability, the appellant is unable to work and go back to his previous employment. It is accordingly prayed that the compensation payable to the appellant be reassessed keeping in view the aforesaid facts.

4. Per contra, Id. counsel for the respondents No.1 and 3 oppose submissions advanced on behalf of the appellant and submit that the impugned Award suffers from no error; and present appeal be dismissed.

5. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find some merit in the submissions advanced on behalf of the appellant.



6. Perusal of record of the case shows that it was the pleaded case of the appellant before the learned Tribunal that prior to the accident, he was working as Crane Operator in Dubai and earning Rs.70,000/- per month. However, the appellant produced no documentary evidence whatsoever to prove his above-said alleged employment. No contract with the employer Company was placed on record by the appellant to prove his employment. Admittedly, in his Claim Petition, the appellant had nowhere mentioned that he would have returned to Dubai in 2014. Even in his Passport (Ex.P-11), the appellant did not bear a visa to return to Dubai in 2014. Rather from the passport, it was proved that the appellant had been in India from March 2013 till 15.02.2014. Moreover, his return to Dubai was not established. In this situation, learned Tribunal had taken income of the appellant as Rs.3500/- per month. However, it is my view that income of the appellant was required to be assessed as per relevant Minimum Wage Notification; as per which income of the appellant is assessed to be Rs.6467/- per month.

7. Age of the appellant was determined to be 46 years at the time of accident on the basis of pleadings. Accordingly, future prospects were to be added @ 25%. However, the learned Tribunal has made an addition of 30% which is also liable to be modified. Keeping in view the age of the appellant, learned Tribunal has correctly applied multiplier of 13.

8. Further, it was proved on record that the appellant had suffered 80% disability in the accident in question as proved from the Disability



Certificate (Ex.P3). The said Disability Certificate was duly proved from evidence of PW3 Dr. Naresh Chauhan who had deposed that appellant had suffered permanent disability of 80% and that he needs an artificial limb as his right thigh was amputated. Due to his disability, appellant shall require transportation assistance for his entire life. Keeping in view the aforesaid facts, compensation payable to the appellant is re-assessed as follows: -

Head	Awarded by learned Tribunal	Re-assessed compensation
Income	Rs.3500/- per month	Rs.6467/-
Future prospects	(30%) Rs.4550/-	(25%) Rs.8083/-
Multiplier	13	(13) Rs.8083/- x 13 x 12 x 80% = Rs.10,08,758/-
Loss of future income due to disability	Rs.7,09,800/-	Rs.10,08,758/-
Loss of income during period of treatment	Rs.50,000/-	Rs.50,000/-
Pain and suffering	Rs.1,00,000/-	Rs.2,00,000/-
Medical expenses	Rs.79,000/-	Rs.79,000/-
Attendant charges during the period of treatment	Rs.50,000/-	Rs.50,000/-
Transportation charges during the period of treatment	Rs.20,000/-	Rs.1,20,000/-
Special diet and nutrition as advised by the doctor during the period of treatment	Rs.25,000/-	Rs.25,000/-
Future medical expenses	Rs.2,00,000/-	Rs.2,00,000/-
Permanent disability/loss of amenities, happiness and enjoyment of life	Rs.2,00,000/-	Rs.2,00,000/-
Total	Rs.14,33,800/-	Rs.19,32,758/-
Enhanced by		Rs.4,98,958/-
Interest	9% p.a.	9% p.a.



9. Present appeal stands **partly allowed** as above.
10. Pending application(s) if any also stand(s) disposed of.

06.05.2026

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No