

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****243****Date of decision: 14.01.2026****FAO-6324-2019(O&M)****Sunder @ Sunder Lal****...Appellant(s)****Vs.****Dhannu & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Komal Rana, Advocate for
Mr. Abhimanyu Singh, Advocate
for the appellant.

Mr. Ankur Gupta, Advocate
for respondent No.3.

*********NIDHI GUPTA, J.**

Present appeal has been filed by injured-claimant seeking enhancement of compensation of Rs.2,26,129/- awarded by the Motor Accident Claims Tribunal, Gurugram (hereinafter 'the learned Tribunal') vide Award dated 05.07.2019 passed in MACT Petition No.44 dated 28.11.2017 filed under Section 166 of the 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 18.07.2017 due to the rash and negligent



driving of the Canter bearing registration No.UP-11T-6114 being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The said compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that in the accident in question, the appellant had suffered 15% disability. It is submitted that prior to the accident, the deceased was working as a labourer by making linter of houses and buildings; and earning Rs.30,000/- per month. However, due to the permanent disability suffered by the appellant, the appellant is unable to work. Rather the appellant has now been completely confined to bed and is unable to do his routine work and needs a permanent attendant to look after him. Yet, nothing has been awarded towards future loss of income; and the learned Tribunal has awarded only Rs.15,000/- towards attendant charges. It is submitted that furthermore, the Tribunal has taken functional disability of the appellant as only 7.5% and awarded only Rs.79,200/- towards permanent disability. It is accordingly prayed that the impugned Award be modified.

4. Per contra, learned counsel for the respondent opposes the submissions advanced on behalf of the appellant and submit that the impugned Award suffers from no error; and the present appeal deserves to 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. It was proven on record that in the accident in question, the appellant had suffered *“serious and grievous injuries all over his body and communitated and compound fracture of both bone, right leg upper with exposed tibia upper 1/3rd and fracture left 7th rib...”*. Injuries of the appellant had been duly proved from the evidence of PW1 Dr. Rakesh Chaudhary and PW3 Dr. Virender Baswana. According to MLR (Ex.PW1/1), the appellant had undergone surgery on 19.07.2017 by right tibia plating whereafter the appellant was discharged on 25.07.2017. The Discharge Summary (Ex.PW1/2) has been duly proved by PW1 Dr. Rakesh Chaudhary. As per Disability Certificate (Ex.P53), the appellant had suffered permanent disability of 15%. PW3 Dr. Virender Baswana had proved the Disability Certificate (Ex.P53) and had proved the permanent disability of 15% suffered by the appellant on account of fracture of both bones of right leg. However, Learned Tribunal has opined that as disability was only of right limb, the functional disability would be 7.5%. I am not in agreement with the same as prior to the accident, the appellant was working as a labourer. Needless to say, due to the above-noted disability suffered by him, he will be unable to do his work properly. Moreover, age of the appellant was 50 years. As such, disability of the appellant be taken as 10%.



7. Furthermore, even amounts under the other heads have been given on the lower side. It has also come on record that the appellant had been hospitalized on four occasions and had incurred expenses to the tune of Rs.91,929/-, which was duly proved by the appellant and reimbursed by the learned Tribunal.

8. The appellant had further pleaded that he was earning Rs.30,000/- per month by doing the work of labourer; making linter of houses and buildings. As the appellant had produced no proof of income, the learned Tribunal had taken income of the appellant as Rs.8,000/- per month on the basis of Minimum Wages admissible to an unskilled worker in the year 2017. However, the Tribunal had failed to make any addition towards future prospects. The appellant is also entitled to addition of 10% towards future prospects.

9. In view of the above, the compensation payable to the appellant is re-assessed as follows:-

Head	Amounts awarded by learned Tribunal	Re-assessed compensation
Medical expenses	Rs.91,929/-	Rs.91,929/-
Hospitalisation and Pain & suffering	Rs.20,000/-	Rs.50,000/-
Attendant charges	Rs.15,000/-	Rs.30,000/-
Special diet	Rs.15,000/-	Rs.30,000/-
Transportation	Rs.5,000/-	Rs.20,000/-
Permanent disability (future loss)	Rs.79,200/-	Rs.1,16,160/- (disability taken @ 10% and future prospects @ 10% added)
Total	Rs.2,26,129/-	Rs.3,38,089/-



10. In view of the above, present appeal stands **allowed**, in the above terms.
11. Pending application(s) if any also stand(s) disposed of.

14.01.2026

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No