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

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**FAO-1952-2015 (O&M) &
X-OBJC-264-CII-2016**

New India Assurance Company Ltd. ....Appellant

Vs.

Gobind Ram and others ....Respondents

Reserved on : 07.04.2026
Date of Pronouncement:08.04.2026
Uploaded on : 09.04.2026

Whether only the operative part of the judgment is pronounced? *NO*
Whether full judgment is pronounced? *YES*

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Deepak Suri, Advocate,
for the appellant-Insurance Company

Mr. Nischal Chetanya Manchanda, Advocate and
Mr. Saksham Kaushik, Advocate
for cross-objector/respondent No. 1 to 11.
(in X Objection No. 264–CII-2016)

Mr.R.S. Budhwar, Advocate
for respondent No. 12

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SUDEEPTI SHARMA, J.

FAO-1952-2015 (O&M)

1. The present appeal has been preferred against award dated 18.03.2014 passed by the learned Motor Accident Claims Tribunal, Kurukshetra (for short, 'the Tribunal') in the claim petition filed under Section 166/140/141 of the Motor Vehicles Act, 1988, on the ground that the appellant/ insurance company was wrongly held liable to pay the compensation to claimant/Gobind

Ram (since deceased) to the tune of Rs.3,75,478/- along with interest @ 7.5% per annum .

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2. The present cross-objections have been preferred by cross-objector/legal heirs of claimant-Gobind Ram (respondent No. 1 to 11 herein) against the 18.03.2014 passed by the learned Motor Accident Claims Tribunal, Kurukshetra in the claim petition filed under Section 166/140/141 of the Motor Vehicles Act, 1988, for enhancement of compensation, granted to Gobind Ram (since deceased) to the tune of Rs.3,75,478/- along with interest @ 7.5% per annum on account of injuries suffered by him in the accident.

3. Since the appeal filed by the Insurance Company and the cross-objections filed by the cross-objectors/legal heirs of the claimant are arising out of the same award dated 18.03.2014 passed by the learned Tribunal, therefore, **FAO-1952-2015** and **XOBJC-264-CII-2016** are decided vide this common judgment.

BRIEF FACTS OF THE CASE

4. On 9.4.2013, claimant was going towards his house when at about 9.00 p.m., he reached a little ahead of Swami Dairy on Ladwa-Indri Road, Ladwa, respondent No.12-Amar Singh while driving motor cycle bearing registration No.HR-07H-9219 (here-in-after referred to as 'offending vehicle for brevity), rashly and negligently and at a very high speed, came from Ladwa side along with one pillion rider and directly hit the claimant; that due to that impact, claimant fell down and received injuries including fracture of left hip; that after causing the accident, respondent No.1 fled the spot; that accident was witnessed by Yogesh, who was nephew of claimant and was standing on Swami Dairy: that

case for the commission of offences punishable under section 279 and 338 of the Indian Penal Code, 1860 was registered against respondent No.12, who is facing trial before the learned Area Magistrate, Kurukshetra.collusion between the claimant and respondents No.12 and 13.

5. Upon notice of the claim petition, respondents appeared and admitted the factum of compensation.

6. From the pleadings of the parties, the following issues were framed by the learned Tribunal :-

> *"1. Whether the accident in question took place on 9.4.2013 at about 2100 hours near Swami Dairy on Ladwa-Indri road, Ladwa under the jurisdiction of Police Station, Ladwa due to rash and negligent driving of the motor cycle bearing registration No.HR-07H-9219 by respondent No.1 and it resulted in injuries upon claimant Gobind Ram? OPP*
> *2 If issue No.1 is proved in affirmative, what extent of compensation the petitioner would be entitled to and from whom? OPP*
> *3. Whether the terms and conditions of insurance policy were violated by respondent No.1 and insurance Company is not liable to indemnify the compensation as alleged?OPR-3*
> *4. Relief."*

7. After taking into consideration the pleadings and the evidence on record, the learned Tribunal has awarded compensation to the tune of Rs.3,75,478/- along with interest @ 7.5% per annum on account of injuries suffered by Gobind Ram (since deceased) and the appellant-Insurance Company was held liable to pay the compensation. Hence, the Insurance Company filed the present appeal.

SUBMISSIONS OF LEARNED COUNSELS FOR THE PARTIES

8. Learned counsel for the appellant-Insurance Company contends that the learned Tribunal has not taken into consideration the fact that the FIR was lodged after four days from the date of the accident and there is no plausible reason for delay in filing FIR. He further contends that the offending vehicle was subsequently introduced in FIR just to claim compensation. He, therefore, prays that the present appeal be allowed.

9. Per contra, learned counsel for the respondent Nos. 1 to 11/cross-objectors contends that the learned Tribunal has rightly made the appellant-Insurance Company liable to pay the compensation to the claimant-Gobind Ram (since deceased). He further contends that the amount assessed by the learned Tribunal is on the lower side and deserves to be enhanced. Therefore, he prays that the present cross-objection be allowed and appeal filed by the appellant-Insurance Company be dismissed and amount of compensation be enhanced as per latest law.

10. I have heard learned counsel for the parties and perused the whole record of this case.

11. Before proceeding further, it would be apposite to reproduce the relevant portion of the award:-

> *"ISSUE NO.1*
>
> *10. Under this issue, the petitioner is required to prove that the accident which took place on 9.4.2013 resulting into injuries upon the petitioner Gobind Ram occurred by rash and negligent driving of offending vehicle by the respondent No.1. To prove his case, petitioner examined Yogesh Kumar as PW-1, who was eyewitness of*

the accident and he had stated categorically about the rash and negligent driving of the offending vehicle by the respondent No.1. The documents i.e. report under section 173 of the Code of Criminal Procedure, 1973 Ex.P6, site plan Ex.P7 of the place of accident, seizure memo Ex.P8 of the offending vehicle and charge-sheet Ex.P9 framed by learned Criminal Court upon the respondent No.1 have also been proved by the petitioner.

11. It was argued by respondent No.1 Amar Singh that all of a sudden, Gobind Ram, injured had come on the road and thus, he could not be noticed. Respondent No.1 admitted during the course of arguments that he was facing criminal Trial for causing this accident. A suggestion was given to PW-1 Yogesh Kumar that no accident was caused by respondent No. 1. Suggestion was also given to PW-1 that vehicle was not involved in the accident in question. These suggestions were contrary to the argument advanced by respondent No.1. It was held in the case of Girdhari Lal vesus. Radhey Shyam, reported in 1993(2) The Punjab LaW Reporter-(P&H)-109 that if driver is being tried on account of rash and negligent driving, it is prima-facie safe to presume that the accident occurred on account of rash and negligent driving by the driver.

12 There was delay in lodging the F.I.R. PW-1 admitted that compromise talks were going on with respondent No.1, who is resident of village Salempur. As per report under section 173 of the Code of Criminal Procedure, 1973 Ex.P6, on 12.4.2013 a telephonic information was received about admission of Gobind Ram to Apna

Hospital, Kurukshetra and he was found unfit to make statement and statement of Gobind Ram was recorded on 13.4.2013. Ex.P6 also shows that injured was operated upon before his statement was recorded on 13.4.2013. In the considered opinion of this Tribunal, when injured himself was unable to make statement even on 12.4.2013, the delay stands explained away. Moreover, there was talk of compromise. There is hardly any dent in the deposition of eye witness PW-1 during the exercise of cross-examination.

13. In the facts and circumstances of the case, this Tribunal is of the considered opinion that there is cogent evidence to take this Tribunal to the formidable conclusion that it was rash and negligent driving of the offending vehicle by respondent No.1, which resulted into the accident in question and resultant injuries upon the person of Gobind Ram.

13 Consequently, issue No. 1 is decided in favour of petitioner and against the respondents

12. A perusal of the aforesaid extract of the impugned award reveals that the learned Tribunal, upon comprehensive appreciation of the oral as well as documentary evidence available on record, rightly returned a categorical finding that the accident in question occurred on account of the rash and negligent driving of the offending vehicle by respondent No.12.

13. The testimony of PW-1 Yogesh Kumar, eye-witness to the occurrence, assumes significant evidentiary value. He has unequivocally deposed that the accident was the direct result of the rash and negligent driving of the respondent-driver. Despite being subjected to an incisive and lengthy cross-

examination, nothing material could be elicited to discredit his version or to create any dent in his credibility. His testimony, therefore, remained consistent, cogent, and trustworthy, and has rightly been relied upon by the learned Tribunal.

14. The contention raised on behalf of the appellant–Insurance Company with regard to the alleged delay in lodging of the FIR and the subsequent introduction of the offending vehicle is devoid of merit. The material on record clearly demonstrates that the delay in lodging the FIR stood satisfactorily explained, particularly in view of the fact that the injured was initially unfit to make statement and was undergoing medical treatment, coupled with the intervening circumstances of compromise talks between the parties.

15. It is well settled that in proceedings under the Motor Vehicles Act, delay in registration of the FIR cannot be treated as fatal to the claim, especially when such delay stands reasonably explained. The approach in such matters is required to be pragmatic rather than hyper-technical.

16. In view of the above, this Court finds no perversity, illegality, or infirmity in the findings recorded by the learned Tribunal. The conclusion arrived at is based on proper appreciation of evidence and settled principles of law, and, therefore, does not warrant any interference by this Court.

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17. Adverting now to the cross-objections filed by the legal heirs of the claimant/cross-objector seeking enhancement of compensation, the same is dealt as under after taking into consideration the settled law on compensation.

SETTLED LAW ON COMPENSATION

18. Hon’ble Supreme Court has settled the law regarding grant of compensation with respect to the disability. The Apex Court in the case of **Raj**

Kumar Vs. Ajay Kumar and Another (2011) 1 Supreme Court Cases 343, has held as under:-

> ***General principles relating to compensation in injury cases***
> *5. The provision of the Motor Vehicles Act, 1988 ('Act' for short) makes it clear that the award must be just, which means that compensation should, to the extent possible, fully and adequately restore the claimant to the position prior to the accident. The object of awarding damages is to make good the loss suffered as a result of wrong done as far as money can do so, in a fair, reasonable and equitable manner. The court or tribunal shall have to assess the damages objectively and exclude from consideration any speculation or fancy, though some conjecture with reference to the nature of disability and its consequences, is inevitable. A person is not only to be compensated for the physical injury, but also for the loss which he suffered as a result of such injury. This means that he is to be compensated for his inability to lead a full life, his inability to enjoy those normal amenities which he would have enjoyed but for the injuries, and his inability to earn as much as he used to earn or could have earned. (See C.K. Subramonia Iyer v. T. Kunhikuttan Nair, AIR 1970 Supreme Court 376, R.D. Hattangadi v. Pest Control (India) Ltd., 1995 (1) SCC 551 and Baker v. Willoughby, 1970 AC 467).*
> *6. The heads under which compensation is awarded in personal injury cases are the following :*
> ***Pecuniary damages (Special Damages)***
> *(i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food, and miscellaneous expenditure.*
> *(ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising :*
> *(a) Loss of earning during the period of treatment;*
> *(b) Loss of future earnings on account of permanent disability.*
> *(iii) Future medical expenses. Non-pecuniary damages (General Damages)*
> *(iv) Damages for pain, suffering and trauma as a consequence of the injuries.*
> *(v) Loss of amenities (and/or loss of prospects of marriage).*
> *(vi) Loss of expectation of life (shortening of normal longevity).*
> *In routine personal injury cases, compensation will be awarded only under heads (i), (ii)(a) and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant, that compensation will be granted under any of the heads (ii)(b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life.*
> *xxx xxx xxx xxx*
> ***19. We may now summarise the principles discussed above :***

(i) All injuries (or permanent disabilities arising from injuries), do not result in loss of earning capacity.
(ii) The percentage of permanent disability with reference to the whole body of a person, cannot be assumed to be the percentage of loss of earning capacity. To put it differently, the percentage of loss of earning capacity is not the same as the percentage of permanent disability (except in a few cases, where the Tribunal on the basis of evidence, concludes that percentage of loss of earning capacity is the same as percentage of permanent disability).
(iii) The doctor who treated an injured-claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the Tribunal with reference to the evidence in entirety.
(iv) The same permanent disability may result in different percentages of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other factors.
20. The assessment of loss of future earnings is explained below with reference to the following
Illustration 'A' *: The injured, a workman, was aged 30 years and earning Rs. 3000/- per month at the time of accident. As per Doctor's evidence, the permanent disability of the limb as a consequence of the injury was 60% and the consequential permanent disability to the person was quantified at 30%. The loss of earning capacity is however assessed by the Tribunal as 15% on the basis of evidence, because the claimant is continued in employment, but in a lower grade. Calculation of compensation will be as follows:*

a) Annual income before the accident : Rs. 36,000/-.
b) Loss of future earning per annum
(15% of the prior annual income) : Rs. 5400/-.
c) Multiplier applicable with reference to age : 17
d) Loss of future earnings : (5400 x 17) : Rs. 91,800/-

Illustration 'B' *: The injured was a driver aged 30 years, earning Rs. 3000/- per month. His hand is amputated and his permanent disability is assessed at 60%. He was terminated from his job as he could no longer drive. His chances of getting any other employment was bleak and even if he got any job, the salary was likely to be a pittance. The Tribunal therefore assessed his loss of future earning capacity as 75%. Calculation of compensation will be as follows :*

a) Annual income prior to the accident : Rs. 36,000/- .
b) Loss of future earning per annum
(75% of the prior annual income) : Rs. 27000/-.
c) Multiplier applicable with reference to age : 17
d) Loss of future earnings : (27000 x 17) : Rs. 4,59,000/-

Illustration 'C' *: The injured was 25 years and a final year Engineering student. As a result of the accident, he was in coma for two months, his right hand was amputated and vision was affected. The permanent disablement was assessed as 70%. As the injured was incapacitated to pursue his chosen career and as he required the assistance of a servant throughout his life, the loss of future earning capacity was also assessed as 70%. The calculation of compensation will be as follows :*

a) Minimum annual income he would have got if had been employed as an Engineer	*: Rs. 60,000/-*
b) Loss of future earning per annum (70% of the expected annual income)	*: Rs. 42000/-*
c) Multiplier applicable (25 years)	*: 18*
d) Loss of future earnings : (42000 x 18)	*: Rs. 7,56,000/-*

[Note : The figures adopted in illustrations (A) and (B) are hypothetical. The figures in Illustration (C) however are based on actuals taken from the decision in Arvind Kumar Mishra (supra)].

19. Hon'ble Supreme Court in the case of ***National Insurance Company Ltd. Vs. Pranay Sethi & Ors.*** **[(2017) 16 SCC 680]** has clarified the law under Sections 166, 163-A and 168 of the Motor Vehicles Act, 1988, on the following aspects:-

(A) Deduction of personal and living expenses to determine multiplicand;
(B) Selection of multiplier depending on age of deceased;
(C) Age of deceased on basis for applying multiplier;
(D) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses, with escalation;
(E) Future prospects for all categories of persons and for different ages: with permanent job; self-employed or fixed salary.

The relevant portion of the judgment is reproduced as under:-

> " *Therefore, we think it seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000, Rs.40,000 and Rs.15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads."*

20. Hon'ble Supreme Court in the case of ***<u>Erudhaya Priya Vs. State Express Tran. Corpn. Ltd.</u> 2020 ACJ 2159,*** has held as under:-

> *" 7. There are three aspects which are required to be examined by us:*
>
> ***(a) the application of multiplier of '17' instead of '18';***
>
> *The aforesaid increase of multiplier is sought on the basis of age of the appellant as 23 years relying on the judgment in National Insurance Company Limited v. Pranay Sethi and Others, 2017 ACJ 2700 (SC). In para 46 of the said judgment, the Constitution Bench effectively affirmed the multiplier method to be used as mentioned in the table in the case of Sarla Verma (Smt) and Others v. Delhi Transport Corporation and Another, 2009 ACJ 1298 (SC) . In the age group of 15-25 years, the multiplier has to be '18' along with factoring in the extent of disability.*
>
> *The aforesaid position is not really disputed by learned counsel for the respondent State Corporation and, thus, we come to the conclusion that the multiplier to be applied in the case of the appellant has to be '18' and not '17'.*
>
> ***(b) Loss of earning capacity of the appellant with permanent disability of 31.1%***
>
> *In respect of the aforesaid, the appellant has claimed compensation on what is stated to be the settled principle set out in Jagdish v. Mohan & Others, 2018 ACJ 1011 (SC) and Sandeep Khanuja v. Atul Dande & Another, 2017 ACJ 979 (SC). We extract below the principle set out in the Jagdish (supra) in para 8:*
>
> > *"8. In assessing the compensation payable the settled principles need to be borne in mind. A victim who suffers a permanent or temporary disability occasioned by an accident is entitled to the award of compensation. The award of compensation must cover among others, the following aspects:*
> >
> > *(i) Pain, suffering and trauma resulting from the accident;*
> > *(ii) Loss of income including future income;*
> > *(iii) The inability of the victim to lead a normal life together with its amenities;*
> > *(iv) Medical expenses including those that the victim may be required to undertake in future; and*
> > *(v) Loss of expectation of life."*
> >
> > *[emphasis supplied]*
>
> *The aforesaid principle has also been emphasized in an earlier judgment, i.e. the Sandeep Khanuja case (supra) opining that the multiplier method was logically sound and legally well established to quantify the loss of income as a result of death or permanent disability suffered in an accident.*
>
> *In the factual contours of the present case, if we examine the disability certificate, it shows the admission/hospitalization on 8 occasions for various number of days over 1½ years from August*

2011 to January 2013. The nature of injuries had been set out as under:

*"**Nature of injury**:*
(i) compound fracture shaft left humerus
(ii) fracture both bones left forearm
(iii) compound fracture both bones right forearm
(iv) fracture 3rd, 4th & 5th metacarpals right hand
(v) subtrochanteric fracture right femur
(vi) fracture shaft femur
(vii) fracture both bones left leg

We have also perused the photographs annexed to the petition showing the current physical state of the appellant, though it is stated by learned counsel for the respondent State Corporation that the same was not on record in the trial court. Be that as it may, this is the position even after treatment and the nature of injuries itself show their extent. Further, it has been opined in para 13 of Sandeep Khanuja case (supra) that while applying the multiplier method, future prospects on advancement in life and career are also to be taken into consideration.

We are, thus, unequivocally of the view that there is merit in the contention of the appellant and the aforesaid principles with regard to future prospects must also be applied in the case of the appellant taking the permanent disability as 31.1%. The quantification of the same on the basis of the judgment in National Insurance Co. Ltd. case (supra), more specifically para 61(iii), considering the age of the appellant, would be 50% of the actual salary in the present case.

(c) The third and the last aspect is the interest rate claimed as 12%

In respect of the aforesaid, the appellant has watered down the interest rate during the course of hearing to 9% in view of the judicial pronouncements including in the Jagdish's case (supra). On this aspect, once again, there was no serious dispute raised by the learned counsel for the respondent once the claim was confined to 9% in line with the interest rates applied by this Court.

CONCLUSION

8. The result of the aforesaid is that relying on the settled principles, the calculation of compensation by the appellant, as set out in para 5 of the synopsis, would have to be adopted as follows:

Heads	***Awarded***
Loss of earning power (Rs.14,648 x 12 x 31.1/100	*Rs. 9,81,978/-*
Future prospects (50 per cent	*Rs.4,90,989/-*

addition)	
Medical expenses including transport charges, nourishment, etc.	*Rs.18,46,864/-*
Loss of matrimonial prospects	*Rs.5,00,000/-*
Loss of comfort, loss of amenities and mental agony	*Rs.1,50,000/-*
Pain and suffering	*Rs.2,00,000/-*
Total	*Rs.41,69,831/-*

The appellant would, thus, be entitled to the compensation of Rs. 41,69,831/- as claimed along with simple interest at the rate of 9% per annum from the date of application till the date of payment.

21. A perusal of the impugned award reveals that Gobind Ram (since deceased) was 58 years old at the time of the accident. Considering the same, the learned Tribunal has rightly applied the multiplier of 9.

22. A perusal of the impugned award further reveals that the deceased was stated to be working as a labourer. The learned Tribunal rightly resorted to minimum wages notification prevalent in the State of Haryana at the time of the accident and assessed his income as Rs. 6655/- per month. Therefore, no interfernce is warranted in this regard.

23. A further perusal of the award reveals that the learned Tribunal has erred in adding 15% towards future prospects to the income of Gobind Ram (since deceased). As per the settled law on compensation, **10%** is to be added as future prospects.

24. A further perusal of the record shows that the learned Tribunal has awarded the compensation on the lower side to the claimant (since deceased) under the heads of Pain and suffering, which is required to be enhanced.

25. It is trite that permanent disability suffered by an individual not only impairs his cognitive abilities and his physical facilities, but there are multiple non-quantifiable implications for the victim. Further, the very fact that healthy person turns into invalid being deprived of normal companionship and incapable of leading a productive life makes one suffer loss of dignity. As per the facts of the case the claimant suffered multiple and grievous injuries on his person. Due to the injuries, he suffered fracture of left femur neck. Further PW-3 Dr. Bimla Gouri, deposed regarding the disability of the claimant (since deceased) while stating that he suffered 30% disability due to gridle stone artho plasty left hip with shortening of 30%. This fairly concludes the fact that the claimant (since deceased) has suffered immense amount of pain and agony due to the accident in question.

26. The Hon'ble Apex Court in the case of '***KS Muralidhar versus R Subbulakshmi and another 2024 INSC 886*** highlighted the intangible but devastating consequence of pain and suffering. The relevant portion of the same is reproduce as under:-

> "*15. Keeping in view the above-referred judgments, the injuries suffered, the `pain and suffering' caused, and the life-long nature of the disability afflicted upon the claimant-appellant, and the statement of the Doctor as reproduced above, we find the request of the claimant-appellant to be justified and as such, award Rs.15,00,000/- under the head `pain and suffering', fully conscious of the fact that the prayer of the claimant-appellant for enhancement of compensation*

was by a sum of Rs. 10,00,000/-, we find the compensation to be just, fair and reasonable at the amount so awarded."

27. Therefore, in view of the above judgment and facts and circumstances of the present case, this Court deems it appropriate to grant compensation of **5 lakhs** under the heads of pain and suffering.

28. A further perusal of the award reveals that the claimant has passed away before filing the cross objection, therefore, the amount awarded for his pain and suffering became part of his estate and his legal heirs are liable to the compensation awarded above even after his death.

29. The legal position on this issue stands conclusively settled by the Hon'ble Supreme Court in ***Dhannalal @ Dhanraj (Dead) v. Nasir Khan, 2025 INSC 1177***. The Apex Court authoritatively held that the amounts computed towards medical expenses—both incurred and future—as well as expenses for a personal attendant, pain and suffering are liable to be sustained where the injured victim survived for a considerable period after the accident in a vegetative state. In such circumstances, the Court observed that these amounts, having accrued during the lifetime of the injured, form part of the estate of the injured-victim. Consequently, upon the death of the injured, the legal heirs are legally entitled to recover the said amounts as representatives of the estate.

30. The relevant extract of the aforesaid judgment is reproduced hereunder:

"*12. The award of the Tribunal as modified and enhanced by the High Court determined a total award of Rs.5,52,095/- as computed under mental agony, pain and suffering, nourishment, transportation and medical expenses, incurred and future, as also expenses for a personal attendant which has to be sustained,* *since the injured had lived for 11 years after the accident, in a vegetative state. That has already become a part of the estate of the injured-victim."*

31. A perusal of the award further reveals that nothing was granted towards attendant charges, special diet and loss of amenities of life. Therefore, the award requires indulgence of this Court.

RELIEF

32. In view of the above, the appeal filed by the Insurance Company is **dismissed** being devoid of any merits, whereas cross-objections filed by the cross-objectors/respondents No.1 to 11 (legal heirs of claimant-Gobind Ram) are **allowed.** The award dated 18.03.2014 is modified accordingly. The cross-objectors/respondents No.1 to 11 (legal heirs of claimant-Gobind Ram) are held entitled to enhanced compensation as per the calculations made here-under:-

Sr. No.	***Heads***	***Compensation Awarded***
1	*Income*	*Rs.6,655/-*
2	*Loss of future prospects (10%)*	*Rs.665/- (10% of Rs.6655/-)*
3	*Annual Income*	*Rs.87840/- (Rs.7320/- X 12)*
4	*Loss of future earning on account of 30% disability*	*Rs.26,352/- (Rs.87840 X 30%)*
5	*Multiplier of 9*	*Rs.2,37,168/- (Rs.26,352/-X 9)*
6	*Pain and suffering*	*Rs.5,00,000/-*
7	*Attendant Charges*	*Rs.50,000/-*
8	*Transportation Charges*	*Rs.50,000/-*
9	*Special Diet*	*Rs.50,000/-*
10	***Total compensation awarded:-***	***Rs.8,87,168/-***
11	***Deduction:-*** *Amount awarded by Tribunal*	***Rs.3,75,478/-***
	Enhanced amount of compensation	***Rs.5,11,690/- (8,87,168- 3,75,478)***

33. So far as the interest part is concerned, as held by Hon'ble Supreme Court in ***Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma 2019 ACJ 3176*** and ***R.Valli and Others VS. Tamil Nadu State Transport Corporation (2022) 5 Supreme Court Cases 107***, the enhanced amount shall carry interest @ 9% per annum from the date of filing of the claim petition, till the date of realization.

34. Appellant-Insurance Company is directed to deposit the enhanced amount along with interest with the Tribunal within a period of two months from the date of receipt of copy of this judgment. The learned Tribunal is directed to disburse the enhanced amount of compensation along with interest to the legal heirs of the claimant-Gobind Ram i.e respondent Nos. 1 to 11.

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

(SUDEEPTI SHARMA)
JUDGE

08.04.2026
Gaurav Arora

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes