



FAO-73-2020

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

FAO-73-2020 (O&M)

Kulvinder Kaur and ors.

.....Appellants

Vs.

Bhupinder Singh and anr.

.....Respondents

Date of Reserve: 16.02.2026

Date of Pronouncement: 27.02.2026

Uploaded on:- 09.03.2026

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: Ms. Jyotnoor Kaur Sethi , Advocate
for the appellants.

Mr. Raj Kumar, Advocate
for respondent No. 2-Insurance Co.

* * *

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 01.08.2019 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (in short '1988 Act'), by the learned Motor Accident Claims Tribunal, SAS Nagar, Mohali (in short 'the Tribunal') for enhancement of compensation, granted to the appellants/claimants to the tune of Rs.2,00,000/- along with interest @ 9% per annum on account of injuries sustained by the Sohan Singh (since deceased) in a motor vehicular accident, occurred on 17.06.2008.
2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed narration of



FAO-73-2020

the facts of the case is not required to be reproduced and is skipped herein for the sake of brevity.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES

3. The learned counsel for the appellants/claimants contends that the compensation awarded by the learned Tribunal is on the lower side.

4. She further contends that learned tribunal erred in not appreciating the material on record and erred in concluding that the death of Sohan Singh (since deceased) was not attributed to the injuries suffered in the accident. Therefore, she prays that the present appeal be allowed and the compensation be assessed accordingly.

5. *Per contra*, learned counsel for the respondent No. 2-Insurance Company, however, vehemently argues on the lines of the award and contends that the amount of compensation as assessed by learned Tribunal, has rightly been granted to the appellants/claimants. Therefore, he prays for dismissal of the present appeal.

6. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

SETTLED LAW ON COMPENSATION

7. 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)*



FAO-73-2020

(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.

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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



FAO-73-2020

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



FAO-73-2020

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)].

8. 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



FAO-73-2020

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.”

9. Hon’ble Supreme Court in the case of **Erudhaya Priya Vs. State Express Tran. Corpn. Ltd. 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



FAO-73-2020

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:



FAO-73-2020

<i>Heads</i>	<i>Awarded</i>
<i>Loss of earning power (Rs.14,648 x 12 x 31.1/100)</i>	<i>Rs. 9,81,978/-</i>
<i>Future prospects (50 per cent addition)</i>	<i>Rs.4,90,989/-</i>
<i>Medical expenses including transport charges, nourishment, etc.</i>	<i>Rs.18,46,864/-</i>
<i>Loss of matrimonial prospects</i>	<i>Rs.5,00,000/-</i>
<i>Loss of comfort, loss of amenities and mental agony</i>	<i>Rs.1,50,000/-</i>
<i>Pain and suffering</i>	<i>Rs.2,00,000/-</i>
<i>Total</i>	<i>Rs.41,69,831/-</i>

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.

10. Adverting to the contention raised on behalf of the claimants that the learned Tribunal failed to properly appreciate the material available on record and erroneously held that the injured did not die as a consequence of the injuries sustained in the accident in question is concerned, the same is decided as under.
11. In order to substantiate the plea, learned counsel for the claimants/appellants relied upon the testimony of PW-3, Dr. Parth Sarthi, Department of Surgery, PGI, Chandigarh, who deposed that the deceased, Sohan Singh, was admitted in the hospital on 25.06.2018 and was discharged on 08.08.2018. The witness further stated that the deceased had a history of injuries arising out of a road traffic accident and had suffered a cervical spinal injury. He was admitted in a serious condition and, at the time of discharge, was stated to be suffering from paralysis from the neck downwards. The doctor also opined in his



FAO-73-2020

examination-in-chief that the injuries sustained were sufficient to cause death in the ordinary course of nature.

12. Learned counsel for the claimants/appellants has strongly emphasized that the aforesaid medical testimony was not duly considered by the learned Tribunal while arriving at the conclusion that the death of Sohan Singh was not attributable to the accident in question.

13. However, a careful perusal of the cross-examination of PW-3, Dr. Parth Sarthi, reveals that he categorically stated that he could not say what the actual cause of death of Sohan Singh (since deceased) was after his discharge from the hospital. In view of this material admission, the evidentiary value of the opinion expressed in the examination-in-chief stands considerably diluted. The claimants/appellants having failed to conclusively establish the cause of death, the nexus between the injuries sustained in the accident and the eventual demise of the deceased remains unproven.

14. In these circumstances, it cannot be said that the claimants/appellants have successfully discharged the burden of proving that the death of Sohan Singh on 9.11.2018 occurred as a direct result of the injuries sustained in the accident. The findings recorded by the learned Tribunal, therefore, does not suffer from any legal infirmity or perversity. Consequently, no interference is warranted in this regard.

15. So far as the disability of Sohan Singh is concerned, the same stands duly substantiated from the testimony of PW-3, Dr. R.C., who categorically deposed that the deceased had suffered a cervical spinal cord injury. PW3 further stated that at the time of discharge from the hospital, Sohan Singh (since



FAO-73-2020

deceased) was paralysed and was required to remain on bed rest for a period of at least three months.

16. Although it has not been conclusively established on record that the death of Sohan Singh on 09.11.2018 occurred directly on account of the said injuries, the medical evidence unmistakably demonstrates that he had sustained severe and debilitating injuries rendering him bedridden for a considerable duration and ultimately his demise.

17. In view of the uncontroverted medical testimony regarding the extent and impact of the injuries, this Court deemed it appropriate to assess the functional disability of the deceased at **100%**.

18. A further perusal of the award reveals that the Sohan Singh (since deceased) was earning 15000/- per month. However, there is no evidence to substantiate said income. Therefore, the learned tribunal assessed the income of the deceased as Rs. 8000/- per month by taking into account the wages of a labour. This computation of the income warrant no interference by this court as the learned tribunal has rightly resorted to the minimum wage notification applicable to the labour of Punjab.

19. Further perusal of the award reveals the Sohan Singh (since deceased) have suffered immense amount of pain and agony due to the accident in question. Keeping this in view, the claimants-appellants are entitled to compensation under the head of pain and suffering even though the injured has passed away.

20. This Court in ***FAO-4806-2007 titled as SHILPA JAIN (SINCE DECEASED) THROUGH LRS. & ORS. v. INDERJEET JAIN AND ORS., decided on 15.01.2026*** dealt with similar matter held that the amount towards medical expenses, attendant charges and pain and suffering, having occurred



FAO-73-2020

during lifetime of the injured form part of estate of the injured. Consequently, upon death of the same, the legal heirs are entitled to recover the said amount as representatives of the estate. The relevant portion of the same is reproduced as under:-

“Adverting to the contention raised by the respondent No.2-insurance company that the learned Tribunal has erred in awarding a sum of 30,00,000/- towards future medical expenses. The respondents have argued that the award is not supported by cogent evidence and is exorbitant and arbitrary and since the claimant-Shilpa Jain has passed away, the future medical expenses are not to be given. 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, 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. 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.”

21. Therefore, in view of the above, the appellants/claimants are entitled to compensation under the head of Pain and Suffering.

22. 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



FAO-73-2020

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 deceased suffered severe cervical spinal cord injury and was paralysed from head to toe from the accident in question. According to testimony of the doctor, he required at least 03 months of bed rest to recover. This fairly concludes the fact that the deceased suffered immense amount of pain and agony due to the accident in question.

23. 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.”

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

25. Furthermore, the amounts awarded by the learned Tribunal under the heads of attendant charges and special diet are on the lower side and also no amount has been awarded under the head of transportation, future prospects and loss of amenities of life. Accordingly, the impugned award warrants interference and indulgence of this Court for appropriate enhancement of compensation.



FAO-73-2020

RELIEF

26. In view of the above, the present appeal is allowed and award dated 01.08.2019 is modified. Accordingly, as per the settled principles of law as laid down by Hon’ble Supreme Court as mentioned above, the appellants-claimants are held entitled to the enhanced amount of compensation as calculated below:-

Sr. No.	Heads	Compensation Awarded
1	Income	Rs.8000/-
2	Loss of future prospects (25%)	Rs.2,000/- (25% of Rs.8000/-)
3	Annual Income	Rs.1,20,000/- (Rs.10000 X 12)
4	Loss of future earning on account of 100% disability	Rs.120000/- (Rs.120000/- X 100%)
5	Multiplier of 14	Rs.16,80,000/- (Rs.120000X 14)
7	Pain and suffering	Rs.5,00,000/-
8	Attendant Charges	Rs.1,00,000/-
9	Transportation Charges	Rs.30,000/-
10.	Medical expenses	Rs.1,48,000/-
11	Loss of amenities of life	Rs.2,00,000/-
12	Special Diet	Rs.50,000/-
	Total compensation awarded:-	Rs.27,08,000/-
	Deduction:- Amount awarded by Tribunal	Rs.2,00,000/-
	Enhanced amount of compensation	Rs.25,08,000/- (27,08,000- 2,00,000)



FAO-73-2020

27. 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 Nandu State Transport Corporation (2022) 5 Supreme Court Cases 107*, the amount so calculated shall carry an interest @ 9% per annum from the date of filing of the claim petition, till the date of realization.

28. Respondent No.2-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 Tribunal is directed to disburse the enhanced amount of compensation along with interest to the appellants-claimants.

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

27.02.2026
Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

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