



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-5707-2025

Date of decision: 12.01.2026

HARBANS SINGH

. . . . Appellant

Vs.

Jagdish and another

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Davinder Pal Soni Jura, Advocate, for the appellant.

DEEPAK GUPTA, J.

This is a claimant's appeal seeking enhancement of compensation.

2. The appellant-claimant sustained injuries in a motor vehicular accident which occurred on 12.02.2020, on account of rash and negligent driving of pick-up vehicle No. HR-61A-7624. He filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, impleading the driver-cum-owner and the insurer of the offending vehicle.

3. The learned Motor Accident Claims Tribunal, vide award dated 16.07.2025, assessed the compensation at ₹3,87,376/-, payable jointly and severally by the respondents along with interest.

4. The sole grievance raised by learned counsel for the appellant pertains to the assessment of compensation under the head of future loss of income on account of permanent disability. It is contended that the amount awarded by the Tribunal under this head is inadequate.

5. Perusal of the award reveals that out of the total compensation of ₹3,87,376/-, an amount of ₹1,71,000/- has been awarded towards permanent disability. The disability was assessed at 10%, as per the disability certificate Ex.PW7/A, proved by PW-7 Dr. Vikas Kamboj. The medical

evidence indicates that the disability resulted from a malunited fracture of the foot.

6. The Tribunal further noticed that the injured-claimant was working as a Manager in Shri Ram Gopal Gaushala Samiti, Kaluana, District Sirsa, and his notional monthly income was taken to be ₹7,600/-. On the basis of the nature of disability, the Tribunal assessed the compensation by treating the disability as partial and without any significant impact on the earning capacity of the claimant.

7. It is well settled that permanent physical disability is not synonymous with loss of earning capacity. The Hon’ble Supreme Court, in **Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343**, has categorically held that the functional disability affecting earning capacity must be established by evidence and depends upon the nature of avocation, the nature of injuries, and their impact on the work performed by the injured.

8. In the present case, learned counsel for the appellant has been unable to demonstrate that the 10% permanent disability of the foot has translated into any functional disability so as to impair the claimant’s earning capacity as a Manager. No evidence has been led to show loss of employment, reduction in wages, or inability to discharge managerial duties on account of the injury.

9. In these circumstances, this Court finds that the learned Tribunal has correctly appreciated the medical and vocational evidence and has awarded just and reasonable compensation under the head of permanent disability. The assessment does not suffer from any perversity or misapplication of law warranting interference in appellate jurisdiction.

10. Consequently, the appeal, being devoid of any merit, is hereby dismissed.

12.01.2026
Vivek

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes
Whether reportable	No