



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-16020-2018 (O&M)
Date of Decision : 18.02.2026

Deepak ... Appellant

Versus

Satyawan and others ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Satya Vir Singh Yadav, Advocate for the appellant.

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

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the injured-appellant aggrieved by the award dated 11.09.2018 passed by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as the ‘Tribunal’).
2. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.
3. In the accident, which took place on 07.06.2017, the injured-appellant herein suffered grievous injuries as a result of which he has been rendered 100% disabled. The Tribunal had awarded the following compensation :

Sr.No.	Heads	Compensation Awarded
1	Compensation on account of expenses on medical treatment	₹2,94,770/-
2	Monthly income of the claimant	₹8,300/-
3	Loss of earning per month on account of 100% disability (100% of ₹8,300)	₹8,300/-

4	Compensation on account of loss of income (₹8,300 x 12 x 18)	₹17,92,800/-
5	Compensation on account of attendant charges, transportation and special diet	₹50,000/-
6	Compensation on account of pain and suffering	₹1,00,000/-
7	Compensation on account of loss of marriage prospects	₹25,000/-
	Total compensation	₹22,62,570/-
	Interest	6% per annum

4. Learned counsel for the injured-appellant relying on the judgment of the Hon’ble Supreme Court in the case of **Pappu Deo Yadav vs. Naresh Kumar & Ors. [2020 (4) RCR (Civil) 404]** would contend that though a multiplier method has been applied, no addition has been made towards the loss of future prospects. It is further the contention that even the amount awarded under the other heads i.e. pain and suffering and loss of marriage prospects is on the lower side. Learned counsel for the injured-appellant has further contended that no amount has been awarded towards loss of amenities of life and that a lump sum amount of ₹50,000/- has been awarded under the heads ‘attendant charges’, ‘transportation’ and ‘special diet’, which is on the lower side. Learned counsel for the injured-appellant has further contended that the minimum wages for an unskilled worker at the relevant point of time were ₹7,600/- per month and being 100% disabled the injured-appellant would require two attendants for life.

5. *Per contra* learned counsel for respondent No.3-Insurance Company would contend that sufficient amount has already been awarded and the income of the injured-appellant has also been assessed as per DC rates.

6. Heard.

7. Admittedly, no appeal has been preferred by the Insurance Company. In the present case, the injured-appellant is stated to be 100%

disabled. As per the statement of PW-1 Dr. Vinod Kamal, Orthopaedics Surgeon, Kalpana Chawla Government Medical College & Hospital, Karnal, the disability is such that the injured-appellant would not be able to walk without any help. He will also not be able to carry out his daily activities like sitting by himself, eating or even answering the call of nature and for everything he would require an attendant each and every day. In his cross-examination, it has been stated that the disability is not likely to be reduced with the passage of time.

8. Learned counsel appearing on behalf of respondent No.3- Insurance Company has challenged the income as assessed by the Tribunal on the ground that it has been assessed as per the DC rates. However, in the absence of any appeal having been filed by the Insurance Company, the income of the injured-appellant as assessed by the Tribunal is maintained. Further, though the Tribunal has rightly applied the multiplier method, however, no addition has been made towards loss of future prospects. Admittedly, the injured-appellant at the time of accident was 20 years of age and accordingly an addition of 40% towards loss of future prospects would be applicable in view of the judgment of Hon'ble Supreme Court in case of **Pappu Deo Yadav** (supra), wherein it was held as under :

“12. In view of the above decisive rulings of this court, the High Court clearly erred in holding that compensation for loss of future prospects could not be awarded. In addition to loss of future earnings (based on a determination of the income at the time of accident), the appellant is also entitled to compensation for loss of future prospects, @ 40% (following the Pranay Sethi principle).

13. The factual narrative discloses that the appellant, a 20-year-old data entry operator (who had studied up to 12th standard) incurred permanent disability, i.e. loss of his right hand (which was amputated). The disability was assessed to be 89%. However, the tribunal and the High Court re-assessed the disability to be only 45%, on the assumption that the assessment for compensation was to be on a different basis, as the injury entailed loss of only one arm. This approach, in the opinion of this court, is completely mechanical and entirely ignores realities. Whilst it is true that assessment of injury of one limb or to one part may not entail permanent injury to the whole body, the inquiry which the court has to conduct is the resultant loss which the injury entails to the earning or income generating capacity of the claimant. Thus, loss of one leg to someone carrying on a vocation such as driving or something that entails walking or constant mobility, results in severe income generating impairment or its extinguishment altogether. Likewise, for one involved in a job like a carpenter or hairdresser, or machinist, and an experienced one at that, loss of an arm, (more so a functional arm) leads to near extinction of income generation. If the age of the victim is beyond 40, the scope of rehabilitation too diminishes. These individual factors are of crucial importance which are to be borne in mind while determining the extent of permanent disablement,

for the purpose of assessment of loss of earning capacity.”

9. The argument of learned counsel for the injured-appellant that the amount awarded under the heads ‘attendant charges’, ‘transportation’ and ‘special ‘diet’ is on the lower side, deserves to be accepted. The injured-appellant has examined Dr. Vinod Kamal as PW-1. This witness has categorically stated that the injured-appellant would not be able to even carry out his daily activities or stand without support and would need an attendant each and every day. Keeping in view the law laid down by the Hon’ble Supreme Court in the case of **Kajal vs. Jagdish Chand & Ors. [2020 (2) RCR (Civil) 27]** which was followed in **Abhimanyu Partap Singh vs. Namita Sekhon & Anr. [2022 (3) RCR (Civil) 557]**, the injured-appellant is certainly entitled for compensation under the head ‘attendant charges’ according to the minimum wage applicable to an unskilled worker at the time of accident, which took place in 07.06.2017. As on 01.01.2017 the minimum wage for an unskilled worker was ₹8,280/- per month. Keeping in view the disability of the injured-appellant, he would require the services of two attendants throughout his life. Hence, this Court deems it appropriate to award compensation to the injured-appellant under the head ‘attendant charges’ i.e. ₹8,280 x 2 x 12 x 18, which comes to ₹35,76,960/-. Further, the injured-appellant being 100% disabled would require a special diet hence an amount of ₹1,00,000/- is awarded towards ‘special diet’ and an amount of ₹50,000/- towards ‘transportation charges’.

10. The injured-appellant was merely 20 years of age at the time of accident and has been rendered 100% disabled. The Tribunal has awarded only an amount of ₹25,000/- towards loss of marriage prospects which, in the opinion of this Court, is on the lower side. The same is enhanced to

₹2,00,000/-. The amount awarded under the head ‘pain and suffering’ is also on the lower side and the same is accordingly enhanced to ₹5,00,000/- keeping in view the life-long suffering of the injured-appellant. The Tribunal has not awarded any amount towards loss of amenities of life. Keeping in view the fact that the injured-appellant has been rendered 100% disabled an amount of ₹2,00,000/- is awarded under the head ‘loss of amenities of life’. The amount of ₹2,94,770/- awarded by the Tribunal towards medical bills is maintained. The reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Annual income	[₹8,300 x 12] = ₹99,600/-
2	Loss of Annual Income on account of 100% functional disability	₹99,600/-
3	Future prospects @ 40%	[₹99,600 + 39,840] = ₹1,39,440/-
4	Multiplier of 18	[₹1,39,440 x 18] = ₹25,09,920/-
5	Attendant charges for 02 attendants	₹35,76,960/-
6	Special diet	₹1,00,000/-
7	Transportation charges	₹50,000/-
8	Loss of marriage prospects	₹2,00,000/-
9	Pain and suffering	₹5,00,000/-
10	Loss of amenities of life	₹2,00,000/-
11	Medical bills	₹2,94,770/-
	Total compensation	₹74,31,650/-

11. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.
12. In view of the decision by the Hon’ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 SC 1713]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the appellant within six weeks from today.

The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the injured-appellant to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

13. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

18.02.2026
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO