



FAO-1607-2017(O&M)
FAO-1619-2017(O&M)

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

1.FAO-1607-2017(O&M)

Devender

..Appellant

Versus

Naveen and others

..Respondents

2.FAO-1619-2017(O&M)

Nem Chand

..Appellant

Versus

Naveen and others

..Respondents

Date of decision: 11.09.2025

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Ram Bilas Gupta, Advocate
for the claimant in both appeals

Mr. Kartar Singh, Advocate for
respondents no.1 and 2
(owner and driver of the offending vehicle)

Mr. Suvir Dewan, Advocate for Insurance Company
(respondent no.3 in both appeals)

MANDEEP PANNU, J.

1. By this common judgment, two First Appeals i.e FAO-1607 and FAO-1619 -2017 against order dated 17.08.2016 shall stand disposed of.



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2. These two appeals are filed by Devender (appellant-claimant in FAO-1607-2019) and Nem Chand (appellant-claimant in FAO-1619-2017), two real brothers, who suffered permanent disability and injuries in a vehicular accident, which took place on 25.08.2015 and they have been awarded compensation of Rs.3,87,734/- and Rs.2,89,799/- respectively alongwith interest at the rate of 7.5% per annum. The present appeals have been filed for enhancement of the awarded compensation.

3. Since there is no dispute with regard to facts of case as mentioned by the Tribunal in the impugned award, the same are not reproduced for the sake of brevity.

4. Learned counsel for the appellants/claimants submits that Tribunal has erred in granting very meagre amount of compensation to both the claimants, who have suffered permanent disability in the vehicular accident. He has also placed on record disability certificates duly issued by Civil Surgeon, Faridabad (Annexure A-1 in case of Devender in FAO-1607-2017) whereby his disability has been assessed as 41.46% and (Annexure A-1 in case of Nem Chand in FAO-1619-2017) assessing his disability as 40%. He further submits that Tribunal has neither assessed the income of the claimants nor granted any future prospects. Even the amounts awarded under other heads like pain & suffering, special diet, transportation and attendant charges are also inadequate.



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5. Per contra, learned counsel for respondent no.3 - Insurance Company has vehemently argued that sufficient amount towards compensation has already been awarded by the Tribunal and there is no scope for enhancement.

6. This Court has considered the submissions made by the learned counsel for the parties.

7. Let us first analyse the issue of permanent disability suffered by the claimants. As per Annexures A-1(in both appeals) which have been issued by the Civil Surgeon, Faridabad, appellant-Devender has 41.46% physical impairment whereas appellant-Nem Chand has 40% physical impairment in relation to their limbs. Therefore, functional disability of Devender is assessed as 41% and 40% in case of Nem Chand. Even the Tribunal has held that claimants have suffered partial permanent disability due to the injuries sustained by them in the vehicular accident, however, failed to grant any amount towards permanent disability and its impact on loss of income etc. It is well settled law that courts should not adopt stereotypical or myopic approach in such matters rather case should be decided taking into consideration realities of life, both in assessment of extent of disabilities and compensation under various heads. In medical sense, permanent disability might be on lower side, however, its impact on earning capacity as well as basic amenities of life has been to kept in mind while assessing compensation for such loss. Reliance in this regard can be placed on judgment of the Hon'ble the Supreme Court



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in the case of **Pappu Deo Yadav vs. Naresh Kumar & Ors. [2020 (4) RCR (Civil) 404]** and **Arvind Kumar Mishra vs. New India Assurance Co. Ltd. (2010) 10 SCC 254.**

8. The appellants-claimants have claimed to be agriculturists, but in the absence of any proof thereof, the Tribunal did not assess any loss of income and only granted Rs.1,00,000/- each towards loss of amenities and enjoyment of life. No doubt, appellants have not led any evidence with respect to their agricultural income etc. but still considering their age i.e 23 and 27 years, their income could easily be assessed as that of minimum wages of a semi-skilled worker prevalent at the relevant time. Therefore, their income is assessed as Rs.5942.75, which is rounded off to Rs.5950/- per month.

9. As far as escalation in income on account of future income is concerned, while relying upon observations of Hon'ble Supreme Court in **National Insurance Company Limited vs. Pranay Sethi and others (2017) 16 SCC 680**, and considering the age of claimants (23 and 27 years), they are also held entitled to future income @ 40% (monthly income 5950+2380 =8330/-). Multiplier of 18 would be applied considering the age of claimants. Moreover, amount awarded under pain and suffering (both on account of hospitalization and undergoing operation) is enhanced to Rs.50,000/- in both appeals. The amount of Rs.1,00,000/- towards loss of amenities & enjoyment of life, 'Medical Expenses' (Rs.2,25,734/- and Rs.1,82,799/- to Devender & Nem Chand respectively), 'attendant



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charges' (Rs.10,000/- in both cases), 'transportation' (Rs.7,000/- in both cases) & special diet' (Rs.15,000/- to Devender and Rs.10,000/- to Nem Chand) as awarded by the Tribunal are maintained.

10. Accordingly, amount of compensation awarded to appellant-Devender is reassessed as under:-

Sr.No	Head	Amount awarded
1.	Medical Expenses	2,25,734/-
2.	Attendant charges	10,000/-
3.	Pain and suffering	50,000/-
4.	Loss of amenities & enjoyment of life	1,00,000/-
5.	Special diet	15,000/-
6.	Transportation charges	7,000/-
7.	Monthly income alongwith future prospects @ 40% [5950+2380 =8330/-]	8330/-
8.	Permanent disability i.e 41% (8330x12x18 =17,99,280/- 41% of 1799280 = 7,37,704/-	7,37,704/-
	Total	Rs.11,45,438/-

11. Accordingly, amount of compensation awarded to appellant-Nem Chand is reassessed as under:-

Sr.No	Head	Amount awarded
1.	Medical Expenses	1,82,799/-
2.	Attendant charges	10,000/-
3.	Pain and suffering	50,000/-
4.	Loss of amenities & enjoyment of life	1,00,000/-
5.	Special diet	10,000/-
6.	Transportation charges	7,000/-
7.	Monthly income alongwith future	8330/-



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Sr.No	Head	Amount awarded
	prospects @ 40% [5950+2380 =8330/-]	
8.	Permanent disability i.e 40% (8330x12x18 =17,99,280/- 40% of 1799280 = 7,19,712/-	7,19,712/-
	Total	Rs.10,79,511/-

12. The claimants shall be entitled to enhanced amount of compensation alongwith interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realization.

13. In view of the aforesaid facts and discussion, both the appeals are partly allowed.

14. All the pending miscellaneous applications, if any, are also disposed of.

(MANDEEP PANNU)
JUDGE

11.09.2025

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No