



**FAO-1997-2016(O&M)  
and XOBJC-249-CII-2016**

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

**FAO-1997-2016(O&M)  
and XOBJC-249-CII-2016  
Reserved on: 02.09.2025  
Date of decision: 08.09.2025**

Magma HDI General Insurance Company

..Appellant

Versus

Anup Singh and others

..Respondents

**CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Ms. Vandana Malhotra, Advocate for  
Insurance Company

Mr. B.S.Bairagi, Advocate for  
Cross Objector/respondent no.1/claimant

Mr. Anil Dutt and Mr. Vikas Sharma, Advocates  
for respondents no.2 and 3

Mr. Vaibhav Sharma, AAG, Haryana

**MANDEEP PANNU, J.**

1. This appeal has been filed by the Insurance Company Limited against the award dated 04.02.2016 passed by the Motor Accident Claims Tribunal, Hisar (hereinafter referred to as 'Tribunal'), whereby a sum of ₹14,70,000 along with interest at the rate of 7% per annum was awarded in favour of the claimant-Anup, on account of permanent disability due to amputation of his left leg



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near knee, who has filed cross objection No.249-CII-2016 for enhancement of the compensation.

2. Since there is no dispute with regard to the facts of the case, as recorded in the impugned award passed by the Tribunal, the same are not being reproduced herein for the sake of brevity.

3. The accident in question took place on 05.01.2014 at about 7:00 am and the claimant was 24 years old at the relevant time.

The Tribunal assessed the compensation as under:-

<b>Sr.No</b>	<b>Head</b>	<b>Amount awarded</b>
1.	Medical Expenses	96,899/-
2.	Attendant charges for three months @ 2000/- per month	6,000/-
3.	Pain and suffering including hospitalization for 5 days	30,000/-
4.	Pain and suffering of undergoing one operation	10,000/-
5.	Permanent disability	12,96,000/-
6.	Loss of marriage prospects & other amenities of life	25,000/-
7.	Transportation, special diet and Misc. Expenses	6101
	<b>Total</b>	<b>Rs.14,70,000/-</b>

4. Learned counsel for the Insurance Company contends that Tribunal has erred in assessing permanent disability of the claimant as 100% whereas his disability is only to the extent of 60% in relation to his left lower limb on account of amputation of leg. He relies upon statement of Dr. Reena (PW1) who stated that 60% disability is only qua limb and if disability is taken qua the whole body, it will be reduced. He further submits that compensation



awarded by the Tribunal is highly excessive and needs to be reassessed.

5. Per contra, learned counsel for cross-objector/claimant has vehemently argued that permanent disability as assessed by the Tribunal is correct since left leg of the claimant near knee has been amputated due to serious injuries sustained by him in the accident. He was a young man aged 24 years at the time of accident and was going to appear for medical test in recruitment process of Constable, CRPF and he had already cleared the written examination for the said post. He further submits that due to unfortunate accident, his entire prospects of joining the armed forces have ended. Furthermore, the Tribunal has erred in assessing income of the deceased as well as not granting any escalation thereon after adding future prospects @ 40% considering age of the claimant. He also prays for enhancement of compensation under heads 'loss of marriage prospects & amenities of life', 'special diet' and 'pain & suffering'.

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

7. Let us first analyse the extent of permanent disability suffered by the claimant. As per statement of Dr. Reena (PW1), claimant suffered 60% permanent disability qua limb only and is not with respect to the whole body. However, 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 in the case of **Pappu Deo Yadav vs. Naresh Kumar & Ors. [2020 (4) RCR (Civil) 404]** wherein it has been 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.”*

8. Reliance can also be placed on judgment of the Hon’ble Supreme Court in **Arvind Kumar Mishra vs. New India Assurance Co. Ltd. (2010) 10 SCC 254**, wherein following observations have been made:-

“9. We do not intend to review in detail state of authorities in relation to assessment of all damages for personal injury. Suffice it to say that the basis of assessment of all damages for



*personal injury is compensation. The whole idea is to put the claimant in the same position as he was insofar as money can. Perfect compensation is hardly possible but one has to keep in mind that the victim has done no wrong; he has suffered at the hands of wrongdoer and the court must take care to give him full and fair compensation for that he had suffered.*

*10. In some cases for personal injury, the claim could be in respect of lifetime's earnings lost because, though, he will live, he cannot earn his living. In others, the claim may be made for partial loss of earnings. Each case has to be considered in the light of its own facts and at the end, one must ask whether the sum awarded is a fair and reasonable sum. The conventional basis of assessing compensation in personal injury cases and that is now recognised mode as to the proper measure of compensation is taking an appropriate multiplier of an appropriate multiplicand.*

9. In view of aforesaid observations of the Hon'ble Supreme Court in **Pappu Deo Yadav's and Arvind Kumar Mishra's cases (supra)**, this Court has no hesitation to hold that the Tribunal has rightly assessed the permanent disability of claimant to the extent of 100% since he being an aspirant to join armed forces/CRPF, has been permanently disqualified to join service in the said Department. Furthermore, claimant has also claimed that he was doing agriculture work also but with his amputated leg, he will not be able to do any



agricultural work in future as well. Hence, income assessed by the Tribunal at the rate of Rs.6000/-per month is also on lower side. Therefore, his monthly income is assessed at Rs.6500/- per month. 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 claimant (24 years), he is also held entitled to future income @ 40% (monthly income 6500+2600 =9100/-). He would also be entitled to loss of income for a period of three months, when he was under treatment, which comes to Rs.27,300/- (9100x3 = 27,300/-). Multiplier of 18 applied by the Tribunal is maintained. However, amount awarded under pain and suffering (both on account of hospitalization and undergoing operation) is enhanced from Rs.30,000/- to Rs.50,000/-. The claimant is also held entitled to Rs.3,00,000/- towards loss of marriage prospects & amenities of life. However, amounts awarded by the Tribunal under heads Medical Expenses" (Rs.96,899/-), 'attendant charges for three months' (Rs.2000/- per month = Rs.6000/-) and 'transportation & special diet' (Rs.6101/-) are maintained.

10. Accordingly, amount of compensation is reassessed as under:-

Sr.No	Head	Amount awarded
1.	Medical Expenses	96,899/-
2.	Attendant charges for three months	6,000/-



Sr.No	Head	Amount awarded
	@ 2000/- per month	
3.	Pain and suffering (including hospitalization for 5 days and undergoing operation for amputation of leg)	50,000/-
4.	Loss of income for a period of three months (9100x3 = 27,300)	27,300/-
4.	Permanent disability (9100x12x18 = 14,04,000/-)	19,65,600/-
6.	Loss of marriage prospects & other amenities of life	3,00,000/-
7.	Transportation, special diet and Misc. Expenses	6101
	<b>Total</b>	<b>Rs.24,51,900/-</b>
	<b>Difference = 24,51,900- 14,70,000 = Rs.9,81,900/-</b>	

11. The claimant 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.

12. In view of the aforesaid facts and discussion, FAO-1997-2016 filed by Insurance Company is dismissed whereas Cross Objection No.249-CII-2016 filed by the claimant is allowed.

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

(MANDEEP PANNU)  
JUDGE

08 .09.2025

rekha

Whether speaking/reasoned Yes/No

Whether reportable Yes/No