

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025.PHHC:119296



FAO-191-2009 (O&M)
DATE OF DECISION : 27.08.2025

SHAKUNTALA DEVI ... APPELLANT

V/S

VINOD KUMAR AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None for the appellant.

Mr. R.C.Kapoor, Advocate for
respondent No.3-National Insurance Co. Ltd.

Mr.Vinod Gupta, Advocate for
respondent No.7-New India Assurance Co. Ltd.

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PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by injured-claimant being aggrieved by the impugned award dated 29.09.2008 passed by the learned Motor Accidents Claims Tribunal, Bhiwani (hereinafter referred as 'Tribunal') vide which the claimant was awarded Rs.70,000/- towards compensation for injuries suffered by her in accident dated 21.09.2003 due to rash and negligent driving of respondent no.1 while driving the offending Jeep bearing registration No. RJ-10C-2008. Following compensation was awarded by Ld. Tribunal under various heads :

Nature	Amount
Medical expenses	Rs. 25000/-
Pain and sufferings	Rs. 7,000/-

Attendant, Special diet & Transportation Expenses	Rs. 8,000/-
Loss on account of Disability	Rs. 30,000/-
Total	Rs. 70,000/-

2. It is the case of appellant that she had suffered grievous injuries on account of accident dated 21.09.2003. Claimant-appellant is seeking enhancement of compensation and has asserted that learned Tribunal has not taken into consideration permanent disability suffered by the claimant and a meagre amount of Rs.30,000/- has been awarded for permanent disability towards loss of earning capacity. Claimant has also claimed that amount of Rs.7,000/- towards pain and suffering and Rs. 8,000/- towards special diet, attendant and transportation to be highly inadequate. It is asserted that no compensation has been awarded for loss of income during treatment as well as for loss of future amenities, prospects & expectancy of life and future medical expenses.

3. Learned counsel for respondent – insurance company however, has opposed the appeal on the ground that compensation awarded to the claimant is just compensation, as claimant has been awarded compensation of Rs. 30,000/- for loss of future earning capacity / income whereas his permanent disability was assessed as 30% qua one limb only.

4. On consideration, I find that compensation awarded to the claimant is not just compensation and is on the lower side. Admittedly, claimant has suffered 30% disability on account of injuries suffered in the accident. Dr. Anil Chaudhary, who had appeared as PW2 has duly asserted permanent disability to the extent of 30%. Admittedly, in the present case, appellant had suffered fracture on her left forearm. She remained admitted from 22.09.2003

to 29.09.2003 in Medical college & Hospital, Bikaner and from 3.12.2003 to 5.12.2003 in Chawla Nursing Home, Hisar and was operated upon twice. PW-2 has duly proved 30% permanent disability on account injuries suffered by her. To award compensation Id. Tribunal ought to have determined functional disability. Keeping in view fact that injured claimant was housewife and had suffered disability qua her left forearm, she must be facing difficulties in carrying her day to day work. Accordingly, her functional disability resulting in loss of income is determined as 10 %. Injured appellant was 52 years old therefore multiplier of 11 shall be applicable for determining loss of income. She was housewife and taking minimum wages payable to unskilled worker her monthly income is taken as Rs. 4,800/- in year 2003. Appellant, therefore shall be entitled to compensation for loss of future earning capacity on account permanent disability to the extent of functional disability, compensation for pain and sufferings, compensation for medical, attendant, special diet & transportation expenses etc., compensation for loss of income during treatment and compensation for loss of future amenities, prospects, and expectancy of life. Since no future medical expences have been shown therefore no compensation under this head is payable.

8. Accordingly, appellant is entitled to enhanced compensation of **Rs. 63,560/-** as noted in following table over and above the compensation of Rs. 70,000/- awarded by the learned Tribunal :-

Income of injured	Rs. 4,800 per month (minimum wages for unskilled worker)	Rs. 57,600/- per annum (Rs.4,800/- x 12)
Loss of income on account of injury during treatment	Rs. 4,800 x 3 months	Rs. 17,200/-
Pain and suffering	Rs. 7,000/- (as awarded by Tribunal)	Rs. 10,000/-

Medical Expenses	Rs. 25,000/- (as awarded by Tribunal)	Rs.25,000/-
Attendant, Special diet & Transportation expenses etc.	Rs. 8,000/- (as awarded by Tribunal)	Rs.8,000/-
Disability and loss of future income	Rs. 5,760/- PA (10% functional disability) x 11 multiplier	Rs.63,360/-
Compensation for loss of future amenities, prospects, and expectancy of life	Rs. 10,000/-	Rs. 10,000/-
Total compensation awarded to the claimant/injured in appeal		Rs. 1,33,560/-
Total compensation awarded by the Tribunal	Rs. 70,000/-	Rs. 70,000/-
Enhanced amount of compensation	Rs. /- (1,33,560/- (awarded in appeal) - 70,000/- (awarded by Tribunal))	Rs. 63,560/-

9. Let the same be paid by respondent No.3-Insurance Company as per award to the claimant-appellant along with interest @ 7.5% p.a. from the date of filing of the claim petition till its realisation.

10. Appeal is, accordingly, disposed of in above terms. Pending miscellaneous application(s), if any, shall also stand disposed of.

27.08.2025

Janki

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No