

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

(104)

FAO no.3319 of 2003(O&M)

Reserved on: 30.09.2025

Pronounced on: 01.10.2025

Mokham**.....Appellant****Versus****Jorawar Singh and Others****.....Respondents****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Parminder Singh, Advocate for
for the appellant.

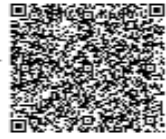
Mr. Vinod Gupta, Advocate
for the respondents(Insurance Company)

VIRINDER AGGARWAL, J.

1. This Appeal is directed against the award dated 05.05.2003 passed by the Motor Accidents Claims Tribunal, Karnal, whereby the learned Tribunal awarded a compensation of ₹1,56,000 along with interest at 9% per annum to the appellant/claimant on account of injuries sustained in a motor vehicular accident.

FACTUAL BACKGROUND

2. The brief facts of the case are that on 10.11.2000, the claimant, Mokham, was returning to his village in a tractor (HR-05F-1841) after unloading coal at Karnal. When the tractor reached the crossing of Sector 6 Bye-Pass, Karnal, a truck bearing registration No. PCR-4557, coming from the Ambala side and driven by respondent no.1 Jorawar Singh in a rash and negligent manner, struck against the tractor. As a result of the impact, the claimant fell on the road and sustained grievous injuries on his leg, leading to permanent disability. The



claim petition was filed under Sections 166 and 140 of the Motor Vehicles Act seeking compensation of ₹10,00,000/-

3. The learned Tribunal on a consideration of the pleadings and evidence held that the accident was the result of rash and negligent driving of truck No. PCR-4557 by respondent no.1(Jorawar Singh). At the same time, the learned Tribunal observed that the tractor driver had also contributed to the occurrence by crossing the main highway without proper care. Accordingly, the learned Tribunal apportioned the liability as 80% attributed to the truck driver and 20% to the tractor driver. With respect to injuries, the learned Tribunal noticed that the claimant had suffered permanent disability to the extent of 40% as per the medical certificate(Ex. p1), though the attending doctor(PW-2) opined that the disability could be reduced to about 15% after surgery. Further, the learned Tribunal held that the claimant had incurred expenses on treatment and medicines and had also suffered loss of earning capacity. On the issue of liability, the learned Tribunal relied on the original report of licensing authority Gurdaspur found that the driver of the offending truck was not in possession of a valid and effective driving licence(Ex. R1) at the time of the accident, amounting to a breach of the insurance policy. Nevertheless, the learned Tribunal directed the insurance company to satisfy the award in the first instance, while reserving its right to recover the amount from the respondents.

CONTENTIONS

4. Learned counsel for the appellant has assailed the award primarily on the ground that the compensation is grossly inadequate. Learned counsel for the appellant argues that the learned Tribunal erred in not adopting the structured formula for compensation in injury cases. It is contended that the appellant's permanent disability, medical expenses, loss of earning during treatment, future



loss of earning capacity, and non-pecuniary damages for pain and suffering were not properly assessed, leading to an arbitrary lump-sum award of ₹1,56,000. Further, no addition for future prospects or conventional heads was made.

5. On the other hand, learned counsel for the respondent no.3 supports the learned Tribunal's award.

OBSERVATIONS AND FINDINGS

6. Having heard the learned counsel for the parties and perused the record, including the evidence led before the learned Tribunal, this Court finds merit in the appellant's contentions. The Learned Tribunal's approach in awarding a lump-sum amount of ₹1,56,000/- without applying the established structured method for injury compensation is erroneous and warrants interference.

7. As far as the quantum of compensation is concerned, the award passed by the learned Tribunal does not fully reflect the settled principles of law and thus warrants reassessment by this Court. The injured claimant, aged 43 years(as per disability certificate) at the time of the accident on 10.11.2000, was a labourer and in the absence of documentary proof of monthly income, a notional monthly income of **₹2000/-** (annual income ₹24,000/-) is assessed based on the prevailing standards for such self-employment in 2000. As per guidelines in *National Insurance Company Limited v. Pranay Sethi, 2017 (16) SCC 680* and given his self-employment and age between 40-50, a **25%** addition towards **future prospects** is applied, which raises the notional annual income to **₹30000/-**.

8. Further, the claimant suffered a 30% functional disability due to the leg injury, requiring surgery and prolonged recovery, which limits his mobility and



independence such as inability to work as labourer, aligning with *Raj Kumar v. Ajay Kumar, 2011 (1) SCC 343* for assessing disability based on vocation. For the **future loss of earning capacity**, the annual loss due to 30% functional disability is ₹9000/- annual, and applying a multiplier of 14 appropriate for age 43 as per *Sarla Verma v. Delhi Transport Corporation 2009 (6) SCC 121*, it comes to ₹1,26,000/-. In addition to it, the loss of income during the treatment and recovery period (hospitalized for 1 month approximately) is assessed at ₹2,000/- per month.

9. Under other Pecuniary and non- pecuniary damages, the claimant is entitled to ₹6000/- towards medical expenses incurred on treatment as per produced bills (Ex. P5 to Ex. P26). ₹10,000/- towards attendant charges as he had to hire a maid servant during his recovery period, ₹10,000/- for special diet and nourishment during hospitalization. ₹25,000/- for pain and suffering due to the trauma of surgery and extended bed rest, and ₹10,000/- for loss of amenities due to permanent handicap affecting daily activities and independence. Resultantly, the total enhanced compensation amounts to ₹1,89,000/-.

COMPARATIVE COMPUTATION:

Particulars	Compensation By Tribunal	Reassessed Compensation (₹)
Income	Monthly- 2,000 Annual- 24,000	Monthly- 2,000/- Annual- 24,000/-
Annual Income With Future Prospects	Nil	30000/- (25%)
Income With Functional Disability	Nil	9000/- (30% of 30,000)
Multiplier	Nil	14
Loss of Disability/Future Earning Capacity	1,25,000	1,26,000/- (9,000/- x 14)



Loss of Income During Treatment	Nil	2,000/-
Medical Expenses	6,000/-	6,000/-
Pain and Suffering	25,000/-	25,000/-
Special Diet and nourishment	Nil	10,000/-
Attendant Charges	Nil	10,000/-
Loss of Amenities of Life	Nil	10,000/-
Total Enhanced Compensation	1,56,000/- (lump-sum)	1,89,000/-

10. Accordingly, the present appeal is allowed. The impugned award is modified, and the compensation is enhanced to **₹1,89,000/-** with interest as above. Out of the total compensation only 80% amount (**₹1,51,200/-**) will be payable by respondent no. 3-insurance company who will have recovery rights to recover the same from the respondent no.1 and 2.

11. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

01.10.2025
Saurav Pathania

(VIRINDER AGGARWAL)
JUDGE

(i) Whether speaking/reasoned : Yes/No
(ii) Whether reportable : Yes/No