



FAO-649-1994 (O&M)

Sr.No.147

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-649-1994 (O&M)
Decided on : 06.05.2025

Ashok Pal @ Ashok Kumar

...Appellant

Versus

Satnam Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Keshav Pratap Singh, Advocate and
Mr. Vishal Singh, Advocate
for the appellant.

Mr. Maninderjit Singh, Advocate
for respondent No.1.

Mr. D.K. Dogra, Advocate
for respondent No.3-Insurance Company.

PANKAJ JAIN, J. (ORAL)

By way of present appeal, the claimant seeks enhancement of compensation. The essence of the appeal and the facts leading to the same have been encapsulated by order passed by the Lok Adalat on 01.07.2014, which reads as under:-

“Ashok Pal, aged 39 years met with a vehicular accident on 7.11.1991 and as a result thereof, he received serious and grievous injuries on various parts of his body which ultimately resulted in his having suffered cent percent disability. He filed a



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claim petition before the MACT, Ambala for claiming compensation on account of the injuries received by him. The appellant was running a Karyana Shop and was a licensee of fair price shop granted by the Government. The MACT vide award dated 31.8.1993 awarded a total claim compensation of Rs.5,00,000/- on various counts as under:

<i>1. Medicines</i>	<i>-</i>	<i>Rs.30,000/-</i>
<i>2.Pain & agony</i>	<i>-</i>	<i>Rs.1,00,000/-</i>
<i>3.Taxi charges</i>	<i>-</i>	<i>Rs.45,000/-</i>
<i>4.Special diet</i>	<i>-</i>	<i>Rs.10,000/-</i>
<i>5.Disability of 100%-</i>		<i>Rs.2,00,000/-</i>
<i>6.Attendant charges-</i>		<i>Rs.15,000/-</i>
<i>7.Loss of income</i>	<i>-</i>	<i>Rs.1,00,000/-</i>
<i>Total Rs.5,00,000/-</i>		

Aggrieved with the amount of compensation awarded by the MACT, the claimant has come up in this appeal.

Learned counsel for the appellant submitted that it is conclusively proved on record that on account of the injuries suffered by the claimant he has suffered 100% permanent disability besides having remained hospitalized in different hospitals including PGI, Chandigarh at different times and had to undergo a number of operations and inspite of all possible medical aid, he could not recover and suffered 100% disability.

It is also proved on record that the claimant was the owner of a shop where he was running a Karyana business besides being a licensee of fair price shop granted by the Government and after he suffered injuries including the disability in question, his licence of fair price shop was cancelled by the Government. It is also conclusively proved on record that the claimant has a young wife aged about 33 years



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old, besides five minor children, out of whom, two are sons and three are daughters.

In the above background, relying on the judgment of a Three-Judge Bench of the Apex Court in Civil Appeal No. 5256 of 2008 decided on 29.01.2014 titled as Sanjay Verma Vs. Haryana Roadways learned counsel for the appellant states that at least Rupees Fifteen Lacs more deserves to be enhanced over and above the compensation already awarded by the MACT on various heads like special diet for whole of his life, loss of marital enjoyment, loss of care to the children who have virtually become orphans on account of the condition of the appellant and the position of his wife even during the lifeless life of her husband (i.e. claimant) is worse than a widow besides compensation on heads like permanent attendant to look after him etc. However, learned counsel for the appellant states that to settle the matter by way of compromise in this forum, his client would be satisfied if another sum of Rs.11,00,000/- (Rupees Eleven Lac only) more, over and above, the amount already awarded by the MACT concerned, is granted to the appellant in full and final satisfaction of the claim in the present appeal and in that eventuality his client would give up his claim regarding interest on the enhanced amount from the date of filing of the petition before the MACT which is 6.5.1992.”

2. The matter was returned back to this Court after the possibility of amicable settlement failed to bear fruit. In lieu of no objection given by counsel for the appellant/claimant, this Court vide order dated 09.05.2024 ordered reassessment of physical disability of claimant by the Board of



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Doctors of PGIMER at Chandigarh. Report thereof has been received, as per which the Board of Doctors had examined the appellant and opined as under:-

Certificate/UDID No.: CH4490120530002813

Date of Issue: 02/04/2025

This is to certify that we have carefully examined **Ashok Pal** Son of **Pitambar Singh**, Date of Birth **01/01/1953**, Gender **Male**, Registration No. **0444/00000/2503/0008863**, Resident of **Burj Shahid, Buraj, Po. Shahzadpur Ambala, , Ambala, , Haryana - 134202** whose photograph is affixed above, and we are satisfied that:

(A) **He** is a case of **Multiple Disabilities**. His extent of physical impairments/ disabilities have been evaluated as per the guidelines for the purpose of assessing the extent of specified disability in a person included under the Rights of Persons with Disabilities Act, 2016 notified by Government of India vide **S.O.1338(E)** dated **12/03/2024**. for the disabilities below:

S No.	Disability	Name of Affected Body Part	Diagnosis	Disability Percentage (in %)
1	Low Vision	Left Eye	RSA-1993-Bifrontal Subdural effusion, Visual Fields Defects <40° to 20°(Left Eye)	40%
2	Hearing Impairment	Both Ear	(R)Moderately Severe SNHL, (L)Profound Hearing Loss	53%
3	Mental Illness	Brain	Dementia Due to Injury to the Head.	45%

(B) **He** has **84%** (in figure) **eighty four** percent (in words) overall disability and the nature of certificate is **Permanent**.

Signature / Thumb impression of the Person with Disability:

Dr. Ramandeep Singh V. r.k.
Deptt. of ENT,
PGIMER, Chandigarh

Dr. Sandeep K.
Deptt. of Psychiatry,
PGIMER, Chandigarh

Dr. Karthikeyan M.
Deptt. of Neurosurgery,
PGIMER, Chandigarh

Signature of notified Medical Authority Members:

Postgraduate Institute Of Medical Education And Research
Room No.1, 2Nd Floor, Mrd Department, Nehru Hospital,
PGIMER, Sector- 12
Chandigarh, 160012

3. Board of Doctors has assessed the permanent disability suffered by the appellant to the extent of 84%, which includes 45% disability of brain, 53% disability of both ear and 40% disability of left eye. This Court finds that the functional disability of the appellant needs to be assessed at



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100%. It has come on record that on the date of accident i.e. 07.11.1991, the appellant was running a Govt. Fair Price Shop and doing agricultural work.

4. In view thereof, the compensation payable to the appellant is reassessed as under:-

Sr. No.	Heads of Claim	Tribunal	Awarded
1.	Income (P.M.)	Nil	3000
2.	Total Annual Income	Nil	36,000
3.	Loss of earning capacity	Nil	100%
4.	Future prospects of income	Nil	40%
5.	Pain and suffering	1,00,000	2,00,000
6.	Medical expenses	30,000	30,000
7.	Future medical expenses	--	1,00,000
8.	Transportation	45,000	1,00,000
9.	Special diet	10,000	50,000
10.	Attendant charges (Two attendant)	15,000	5,40,000 (1500x12x15x2)
11.	Loss of income	1,00,000	7,56,000 (3000x12x15+40%)
12.	Loss of permanent disability	2,00,000	--
13.	Loss of life expectancy	--	2,00,000
14.	Loss of amenities	--	1,00,000
15.	Litigation expenses	--	50,000
	Total	5,00,000	21,26,000
	Difference		16,26,000/-



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5. The award passed by the Tribunal is modified accordingly. Appeal stands disposed off. The appellant/claimant is entitled to interest on the compensation amount @ 7% per annum, from the date of filing of the claim petition till the date of actual realization.
6. Needless to say, the compensation amount already paid to the claimant shall be set off from the total awarded compensation.
7. Pending application(s), if any, shall also stand disposed off.

**(PANKAJ JAIN)
JUDGE**

May 06, 2025
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<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether reportable</i> :	<i>Yes/No</i>