



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

FAO-4144-2017 (O&M)

Date of Decision : 04.07.2025

Suresh Kumar ... Appellant(s)

Versus

Manoj Kumar & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Goyal, Advocate for the appellant.

Mr. Vipul Sharma, Advocate for

Mr. Paul S. Saini, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'Tribunal') vide the impugned award dated 26.05.2016 in a motor vehicle accident which occurred on 19.01.2015.

2. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

3. In the present case the Tribunal had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly Income	₹8,100/-
2	Future prospects @ 30%	₹10,800/- [₹8,100 + 2,700]
3	Multiplier	'14'
4	Loss of income due to disability @ 100%	₹18,14,400/- (₹10,800 x 12 x 14)
5	Medical and other expenses	₹31,343/-

6	Attendant Charges	₹3,36,000/-
7	Special Diet/transportation etc.	₹50,000/-
8	Pain and suffering	₹2,00,000/-
9	Reduction in life expectancy/loss of amenities	₹50,000/-
10	Total Compensation	₹24,81,743/-
	Interest	@ 9% per annum

4. Learned counsel for the claimant-appellant states that the claimant-appellant was 42 years of age at the time of the accident and due to the accident, which occurred on 19.01.2015, he suffered multiple and grievous injuries. He further states that after the accident he was taken to Sanjiv Bansal Cygnus Hospital, Karnal, where he remained admitted from 19.01.2015 to 20.01.2015 and thereafter, from Sanjiv Bansal Cygnus Hospital, Karnal he was taken to PGI, Chandigarh where he was operated upon on account of loss of vision in both eyes and remained admitted for 6 days and thereafter he continued visiting PGI Chandigarh. The claimant-appellant also took treatment from Shah Satnam Ji Hospital, Sirsa, Jindal Hospital Hissar and AIIMS Hospital, New Delhi, Arora Eye and Lesic Lazer Centre, Karnal. Learned counsel for the claimant-appellant has further contended that as per the disability certificate which was proved on record as Ex.PW6/A, the claimant-appellant has suffered 100% permanent disability on account of loss of vision. Learned counsel for the claimant-appellant further states that he does not challenge the permanent disability, income, future prospects as well as multiplier as assessed by the Tribunal. He further states that though the Tribunal has rightly applied a multiplier method for awarding compensation under the head attendant charges, however, monthly

charges for an attendant has been assessed as ₹2,000/- which is on the lower side. It is further the contention of the learned counsel that the compensation awarded under the non-pecuniary heads i.e. pain and suffering, loss of amenities as well as special diet/transportation is also on the lower side.

5. *Per contra*, the learned counsel for the respondent No.3-Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no further scope of any enhancement.

6. Heard.

7. In the present case, admittedly, the claimant-appellant has suffered 100% permanent disability on account of loss of vision in both his eyes. There is no appeal on behalf of the Insurance Company. Accordingly, since there is no challenge to the income of the claimant-appellant @ ₹8,100/- per month as assessed by the Tribunal as well as future prospects @ 30% and multiplier of '14' as applied by the Tribunal, the same are maintained.

8. Now coming to the compensation awarded under the non-pecuniary heads including attendant charges, though the Tribunal has rightly applied a multiplier method while awarding compensation of ₹3,36,000/- [₹2,000 x 12 x 14] towards attendant charges, however, in the opinion of this Court the monthly attendant charges @ ₹2,000/- as assessed by the Tribunal are on the lower side. Keeping in view the law laid down by the Hon'ble Supreme Court in the case of **Kajal Vs. Jagdish Chand & Ors [2020 (2) RCR (Civil) 27]** which was followed in **Abhimanyu Partap Singh Vs. Namita Sekhon & Anr. [2022 (3) RCR (Civil) 557]**, this Court deems it

appropriate to enhance the charges for an attendant according to the minimum wages for an unskilled worker prevalent at the time of the accident in the State of Haryana which were ₹5,812/- per month. Thus, the claimant-appellant would be entitled to an amount of ₹9,76,416/- [$₹5,812 \times 12 \times 14$ (multiplier)] towards attendant charges.

9. So far as compensation under the other non-pecuniary heads i.e. pain and suffering, loss of amenities and special diet/transportation as awarded by the Tribunal is concerned, the same in the opinion of this Court is also on the lower side. As stated above, for his treatment the claimant-appellant remained under hospitalization in various hospitals and was operated upon on account of complete loss of vision and thus he must have suffered lot of pain and agony while being under treatment. Accordingly, keeping in view the age and disability of the claimant-appellant, this Court deems it appropriate to enhance the amount awarded towards pain and suffering to ₹5,00,000/-; ₹75,000/- towards special diet/transportation; and ₹2,00,000/- towards loss of amenities of life. The amount of ₹31,343/- awarded by the Tribunal towards medical expenses is maintained. No amount has been awarded towards future medical expenses and thus keeping in view the nature of injuries/disability received, the claimant-appellant may require future medical treatment as well and accordingly he is also held entitled to future medical expenses to the tune of ₹5,00,000/-. The reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly Income	₹8,100/-
2	Future prospects @ 30%	₹10,800/- [$₹8,100 + 2,700$]
3	Multiplier	'14'
4	Loss of income due to disability @ 100%	₹18,14,400/- ($₹10,800 \times 12 \times 14$)
5	Attendant charges	₹9,76,416/- [$₹5,812 \times 12 \times 14$]

6	Pain and suffering	₹5,00,000/-
7	Special Diet/transportation etc.	₹75,000/-
8	Loss of amenities of life	₹2,00,000/-
9	Medical expenses as awarded by the Tribunal	₹31,343/-
10	Future Medical expenses	₹5,00,000/-
	Total Compensation	₹40,96,759/-

10. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

11. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 SCC OnLine SC 567]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account of the claimant-appellant within six weeks from today. The particulars of the bank account alongwith the requisite documents in support thereof shall be furnished by the claimant-appellant to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

12. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

04.07.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO