

109 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

2025.PHHC:120370



FAO-5428-2022 (O&M)  
DATE OF DECISION : 26.08.2025

PAT RAM ... APPELLANT

V/S

RAJENDER AND OTHERS ... RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Arvind Kumar Yadav, Advocate for the appellant.

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

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**PARMOD GOYAL, J. (ORAL)**

**CM-18061-CII-2022**

This is an application that has been filed under Section 151 of CPC for condonation of delay of 367 days in re-filing the appeal.

For the reasons stated in the application, the same is allowed.

Delay of 367 days in re-filing the appeal is condoned.

**Main case**

1. Notice of motion.
2. Mr. D.K.Prajapati, Advocate accepts notice on behalf of respondent No.3-Insurance Company.
3. Present appeal has been preferred by injured-claimant being aggrieved by the impugned award dated 16.08.2019 passed by the learned

Motor Accident Claims Tribunal, Rewari vide which claimant-appellant was given total compensation of Rs. 8,98,000/- under various heads as under:-

<b>Nature</b>	<b>Amount</b>
Medical expenses	Rs. 1,28,000/-
Pain and sufferings	Rs. 20,000/-
Attendant charges	Rs. 10,000/-
Special diet	<b>Rs. 10,000/-</b>
<b>Transportation Expenses</b>	<b>Rs. 10,000/-</b>
<b>Disability &amp; loss of future income</b>	<b>Rs. 7,20,000/-</b>
<b>Total</b>	<b>Rs. 8,98,000/-</b>

4. It is the case of appellant that he suffered grievous injuries on account of accident dated 12.06.2016 caused by respondent no.1, who was driving the truck bearing registration no. NL-01N-7267 in a rash and negligent manner.

5. Petitioner is mainly aggrieved by award of lesser compensation under head pain and suffering and non-award of compensation under head loss of future amenities and also for loss of income during treatment. Learned counsel for the appellant has also sought compensation for future medical expenses.

6. Learned counsel for respondent No.3-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.7,20,000/- for loss of future earning capacity / income whereas his permanent disability was assessed as 53% qua one limb and his functional disability was wrongly taken by the learned Tribunal to the extent of 50% and it ought to have been taken not more than 25%.

7. On consideration, I find merit in the contentions raised by learned counsel for the appellant. The Tribunal has erred in not considering the compensation under heads future amenities and loss of income during treatment. It has also not considered grant of future medical expenses while granting over all compensation of Rs. 8,98,000/-. Admittedly, in the present case, appellant had suffered 53% permanent disability on account of post-traumatic restricted movement of right knee, right ankle with marked loss of stability with pain. Functional disability has been found by the learned Tribunal to the extent of 50%.

8. Learned counsel for the Insurance Company has tried to argue that over all functional disability has been taken on higher side. However, I do not agree that the learned Tribunal has taken functional disability to be excessive. It is marginally excessive and is compensated by award of lesser amount towards pain and suffering which is on the lower side. Therefore, no interference with findings of the learned Tribunal as regards to functional disability is required and this can be taken care while awarding compensation to claimant under the head for pain and suffering, future amenities and loss of income during treatment. Admittedly, income of injured was taken as Rs. 8,000/- per month as considered by learned Tribunal. He had remained admitted on two occasions for 3 days each and had remained hospitalized for about 6 days. He had suffered fracture and permanent disability and therefore, must have undergone immense pain and suffering. Accordingly, compensation under the head of pain and suffering was awarded as Rs.20,000/-. Keeping in view the nature of injuries, permanent disability and period for which appellant had remained confined to bed, compensation under the head paid and suffering merits enhancement,

hence enhanced to Rs.50,000/- instead of Rs.20,000/-. Accordingly, compensation for pain and suffering is enhanced to Rs. 50,000/- from Rs. 20,000/- granted by Learned Tribunal. He must have also suffered loss of earning during the period of treatment. Admittedly, income of the injured was taken as Rs. 8,000/- per month. Therefore, taking 3 months as period for which appellant must have remained bed-ridden and away from his vocation and therefore, loss of income is taken to be Rs. 24,000/- i.e. Rs. 8,000/- p.m. x 3 months for which appellant had remained bed-ridden as he was undergoing treatment. No compensation has been awarded to appellant for loss of future amenities, prospects and expectancy of life. Appellant is entitled to the same. Accordingly, Rs.50,000/- is awarded under this head. Though, learned counsel for the appellant has pressed for future medical expenses, however, there is no evidence on record to justify the award of any compensation under this head. Accordingly, appellant is entitled to enhanced compensation of Rs. 1,04,000/- as noted in following table over and above the compensation of Rs. 8,98,000/- awarded by the learned Tribunal :-

Income of injured	Rs. 8,000 per month (minimum wages payable to unskilled daily wager)	Rs. 96,000/- per annum (Rs.8,000/- x 12)
Loss of income on account of injury during treatment	Rs. 8,000 x 3 months	Rs. 24,000/-
Pain and suffering	Rs. 20,000/- (as awarded by Tribunal)	Rs. 50,000/-
Medical Expenses (as awarded by learned Tribunal)	Rs. 1,28,000/- (as awarded by Tribunal)	Rs. 1,28,000/-
Attendant charges	Rs. 10,000/- (as awarded by Tribunal)	Rs.10,000/-

Special diet	Rs. 10,000/- (as awarded by Tribunal)	Rs. 10,000/-
Transportation expenses	Rs. 10,000/- (as awarded by Tribunal)	Rs. 10,000/-
Disability and loss of future income	Rs.7,20,000/- (as awarded by Tribunal)	Rs.7,20,000/-
Compensation for loss of future amenities, prospects, and expectancy of life	Rs. 50,000/-	Rs. 50,000/-
Total compensation awarded to the claimant/injured in appeal	Rs.10,02,000/-	Rs.10,02000/-
Total compensation awarded by the Tribunal	Rs.8,98,000/-	Rs.8,98,000/-
<b>Enhanced amount of compensation</b>	<b>Rs. 1,04,000/-</b> <b>(10,02,000 (awarded in appeal) - 8,98,000/- (awarded by Tribunal))</b>	<b>Rs.1,04,000/-</b>

9. Let the same be paid by respondent No.3-Insurance Company 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. Pending miscellaneous application(s), if any, shall also stand disposed of.

26.08.2025

Janki

**(PARMOD GOYAL)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No