



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

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FAO-3921-2001 (O&M)

Date of decision :22.09.2025

MOHINI

... APPELLANT

VERSUS

MADAN LAL AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Deepinder Singh Walia, Advocate
for the appellant.

Mr. Vijay Lath, Advocate
for respondent Nos. 1 and 3.

Mr. Vinod Gupta, Advocate
for respondent No. 4-Insurance Company.

PARMOD GOYAL, J. (ORAL)

1. The present appeal has been preferred by the injured claimant, who sustained permanent disability in a motor vehicular accident that occurred on 21.06.1999, due to the rash and negligent driving of respondent No. 1.

2. Vide impugned order dated 16.01.2001, the learned Motor Accident Claims Tribunal, Ambala (hereinafter referred to as 'Tribunal') allowed the claim petition of appellant-claimant and awarded compensation of Rs. 20,000/- along with interest at the rate of 12% per annum from the date of institution of the petition till its realization. Tribunal in the present case had awarded the following compensation:

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|--------------------|-------------|
| Pain and suffering | Rs. 5,000/- |
| Special diet | Rs. 3,000/- |



| | |
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| On account of disability | Rs. 10,000/- |
| Medicines, transportation etc. | Rs. 2,000/- |
| Total amount of compensation awarded to the claimant | Rs. 20,000/- |

3. Learned counsel for the appellant-claimant is aggrieved by the award of compensation to the extent of Rs. 20,000/- and has submitted that the learned Tribunal had erred in not taking in consideration the permanent disability suffered by the appellant-claimant, quantified at 5%, due to the shortening of the right lower limb. It is contended that the Tribunal, without making any assessment of loss of earning capacity arising from the said disability, awarded a composite compensation of only Rs. 10,000/- under the head of permanent disability.

4. It is further submitted that the Tribunal has failed to grant compensation under essential heads such as future medical expenses, future prospects, loss of future amenities of life, and loss of life expectancy, which the appellant-claimant, a minor at the time of the accident, is bound to suffer due to the permanent impairment. Accordingly, the appellant-claimant has prayed for enhancement of the compensation awarded by the learned Tribunal.

5. On the other hand, learned counsel for the respondent has opposed the appeal, contending that the compensation awarded by the learned Tribunal is adequate and just considering the nature of injuries suffered. He submits that no case for enhancement is made out.

6. In the present case, it is an admitted fact that the injured appellant was only 6 years old at the time of the accident. She suffered permanent disability to the extent of 5%, on account of the shortening of her right lower limb by 1 cm. While the numerical percentage of disability may appear minor, the shortening of



the leg is a permanent physical impairment that will continue to affect the appellant's-claimant's mobility, posture, and quality of life. Such a disability is bound to have a substantive impact on her future earning capacity. The functional disability is taken to be 5% for determining loss of income. Therefore, an assessment of loss of earning capacity is both necessary and justified in the facts of the present case.

7. Although the appellant-claimant was not earning at the time of the accident, being a minor, the disability will remain with her throughout her life. As such, her notional income is to be assessed by treating her as an unskilled worker. Further, in accordance with the decision in *National Insurance Co. Ltd. v. Pranay Sethi* [(2017) 16 SCC 680], the appellant is also entitled to an addition of 40% towards future prospects. Considering her age, the appropriate multiplier of 18 is to be applied.

8. In addition, the appellant-claimant shall be entitled to compensation under the head of loss of future prospects, since the shortening of the limb may affect her ability to pursue various vocations and would likely have an adverse impact on her marriage prospects as well. A sum of Rs. 15,000/- is therefore awarded under this head in view of fact that accident had taken place in 1999.

9. The appellant-claimant is also entitled to compensation for loss of future amenities of life and loss of life expectancy, considering the permanent nature of the injury and its lifelong impact. A further sum of Rs. 15,000/- is awarded under this head. However, since no evidence has been produced on record regarding the requirement of future medical expenses, no amount is being awarded under this head.

10. In view of the above, the appellant-claimant is held entitled to the



following enhanced compensation:

| | | |
|--|---|-----------------------|
| Notional income of appellant-claimant | Rs. 1,900/- per month (as per minimum wages of unskilled labourer) | Rs. 1,900/- per month |
| Future prospects | 40% (Rs. 1,900+760) | Rs. 2,660/- |
| 5% functional disability | Rs. 2,660/- x 5/100 | Rs. 133/- |
| Multiplier | 18 | 18 |
| Loss of dependency | Rs. 133/- x 12 x 18 | Rs. 28,728/- |
| Loss of future prospects | | Rs. 15,000/- |
| Loss of future amenities and loss of life expectancy | | Rs. 15,000/- |
| Medical expenses and transportation | Rs. 2,000/- (by Tribunal) | Rs. 2,000/- |
| Pain and suffering | Rs. 5,000/- (by Tribunal) | Rs. 5,000/- |
| Special diet | Rs. 3,000/- (by Tribunal) | Rs. 3,000/- |
| Compensation awarded by Tribunal | Rs. 20,000/- | |
| Compensation awarded in Appeal | | Rs. 68,728/- |
| Enhancement of compensation | Rs. 68,728/- (awarded in Appeal) – Rs. 20,000/- (awarded by Tribunal) | Rs. 48,728/- |

11. Appeal is accordingly allowed in above terms. Appellant shall be entitled to enhanced compensation of Rs. 48,728/- along with 7.5% interest from date of filling claim petition till realization. Enhanced compensation be paid within six weeks in accordance with terms of award through bank account of claimant.



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12. Pending miscellaneous application(s), if any, shall also stand disposed of.

22.09.2025
manoj

(PARMOD GOYAL)
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes |
| Whether reportable | Yes/No |