



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

**FAO-728-2001 (O&M)
Date of decision : 08.04.2025**

Ram Mehar **...Appellant**

Vs.

Gajinder Singh and another **...Respondents**

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Maneet Kaushik, Advocate for
Mr. Ashit Malik, Advocate
for the appellant.

Service of respondent No.1 already dispensed with
vide order dated 03.07.2019

Mr. Sanjeev Pabbi, Advocate
for respondent No.2.

ANIL KSHETARPAL, J. (Oral)

I **Brief Facts:-**

1. The claimant has filed this appeal for enhancement of compensation.
2. The Insurance Company or the owner have not filed any appeal yet, hence, there is no dispute with regard to the involvement of the vehicle, the findings of the Court with regard to the rash and negligent driving of owner-cum-driver of car bearing Registration No.DL-4CE-0332.
3. The appellant was an agriculturist. On 14.06.1997, he was coming to Panipat City from his village on a motorcycle, which was driven by Sh.Ved Pal. Car No. DL-4CE-0332 came from behind and hit the motorcycle. The



appellants suffered multiple injuries on the various parts of his body. It has come on record that the appellant suffered multiple fractures of the right femur, a compound comminuted fracture of both bones in the leg. One lacerated wound was also there over front of the knee with hemarthrosis with swelling of knee.

4. The appellant remained at various hospitals for getting treatment for a period of 1½ years (18 months). As per the Medical Board, the appellant suffered permanent disability of 50%. He underwent four surgeries during the period of hospitalization, whereas, Dr. P.K. Bhatia has stated that there is a gap of tibia, which can not be filled without further surgical intervention.

5. It has come on record that the appellant was the owner of 03 acres of land and 10 buffaloes, which he had to sell for getting the treatment.

6. The claim Tribunal awarded total amount of Rs.1,57,651/- including medical treatment of Rs.1,12,650/-.

II Arguments addressed:-

7. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book and photocopy of statements of the witnesses produced by the appellant's counsel.

8. Learned counsel representing the appellant submits that the Tribunal has failed to award compensation for future medical expenses, attendant charges, transportation, pain and suffering and loss of amenities. He further submits that for loss of income during treatment, the appellant has been awarded only Rs.10,000/- but no amount has been awarded towards future loss of income. He further submits for disability, only Rs.25,000/- has been awarded.



III Analysis and Discussion:-

9. This Court has considered the submissions made by the learned counsel representing the parties.

10. With respect to the reimbursement of medical expenses of Rs.1,12,650/-, no interference is required, hence, the same is maintained. The Tribunal has held that the disability certificate is correct because at the time of arguments, the appellant appeared in the Court and it was found that the appellant limped heavily as he moved. He was an agriculturist. His entire work is based on physical activity, which involves physical hard work. His functional disability is required to be assessed.

11. Keeping in view the facts of the case, the functional disability of the appellant is assessed @ 60%. He was 30 years of age at the time of accident. The Tribunal has assessed the appellant's monthly income @ Rs.2,000/- per month. Hence, per month loss comes to Rs. 1,200/-. The appellants shall be entitled to scale up the income on account of future prospectus @ 40%. Hence, the appellant shall be entitled to multiplier of 17. Hence, the annual loss of income comes to Rs.3,42,720/-.

12. The appellant was a young man of 30 years. Keeping in view the nature of injuries suffered by him, the Court has also erred in assessing the loss of income during treatment which spanned over a period of 1½ years. Hence, his loss of income during the period of hospitalization is calculated @ Rs. 36,000/-. Hence, there will be increase of Rs.26,000/- on account of loss of income during the treatment.

13. In future, the appellant will require medical attention. With growing age, he will need more medical treatment. Hence, for future medical



expenses Rs. 1,00,000/- shall be payable. For attendant, transportation charges, pain and suffering and loss of amenities, the appellant shall be entitled to Rs. 25,000/- each i.e. Rs. 1,00,000/-.

14. Accordingly, the revised compensation is calculated as under:-

Heads	Compensation Awarded by MACT	Compensation awarded by High Court
Medical Income	Rs.2,000/-	Rs.2,000/-
Functional Disability	-	(60%) Rs. 1,200/-
Future prospects	-	(40%) Rs. 1200+Rs. 480=Rs.1680/-
Multiplier	-	17
Annual Income	-	1680 X 12 X 17=3,42,720/-
Medical expenses	Rs.1,12,651/-	Rs.1,12,651/-
Loss of income during hospitalization	Rs. 10,000/-	Rs. 36,000/-
Future Medical Expenses		Rs. 1,00,000/-
Attendant	Rs.10,000/-	Rs.25,000 X 4=Rs.1,00,000/-
Transportation Charges		
Pain and suffering		
Loss of amenities		
Disability suffered	Rs. 25,000/-	-
Total Compensation Awarded	Rs.1,57,651/-	Rs.6,91,371/-
Enhanced Compensation	Rs. 6,91,371-Rs.1,57,651=Rs.5,33,720/-	

15. The enhanced amount shall be payable alongwith interest @ 9% from the date of filing of the claim petition till the payment.

IV Decision:-

16. With these observations, the appeal is disposed of.

17. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

08.04.2025

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No