



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

FAO-1887-2010 (O&M)
Date of decision : 15.05.2025

RAM ASHISH

....Appellant

Versus

JAGDEV SINGH AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Ekta Thakur, Advocate and
Ms. Shikha, Advocate for the appellant.

Mr. Vinod Chaudhri, Advocate for respondent-Insurance Co.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate for respondent No.5.

PANKAJ JAIN, J. (ORAL)

Appellant/claimant has questioned the assessment of compensation awarded by the Tribunal in the petition filed under Section 163-A of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act of 1988').

2. Appellant seeks compensation having suffered injuries leading to 25% permanent disability on account of motor-vehicular accident, dated 02.01.2005. He suffered multiple fractures in right leg. Claimant remained hospitalized from 02.01.2025 till 29.01.2025. Medical Board assessed his permanent disability to the extent of 25% on account of restricted ankle movement. By vocation, the claimant was a Three Wheeler driver. At the time of accident, he was 25 years of age.



3. Section 163-A and Clause 5 of the Second Schedule appended to the Act of 1988, read as under:

“[163-A. Special provisions as to payment of compensation on structured formula basis.— (1) Notwithstanding anything contained in this Act or in any other law for the time being in force or instrument having the force of law, the owner of the motor vehicle of the authorised insurer shall be liable to pay in the case of death or permanent disablement due to accident arising out of the use of motor vehicle, compensation, as indicated in the Second Schedule, to the legal heirs or the victim, as the case may be.

Explanation.—For the purposes of this sub-section, “permanent disability” shall have the same meaning and extent as in the Workmen’s Compensation Act, 1923.

(2) In any claim for compensation under sub-section (1), the claimant shall not be required to plead or establish that the death or permanent disablement in respect of which the claim has been made was due to any wrongful act or neglect or default of the owner of the vehicle or vehicles concerned or of any other person.

(3) The Central Government may, keeping in view the cost of living by notification in the Official Gazette, from time to time amend the Second Schedule.”

[THE SECOND SCHEDULE]

xxx

xxx

xxx

5. *Disability in non-fatal accidents:*

The following compensation shall be payable in case of disability to the victim arising out of non-fatal accidents:

Loss of income, if any, for actual period of disablement not exceeding fifty-two weeks.

PLUS either of the following:-

(a) In case of permanent total disablement the amount payable shall be arrived at by multiplying the annual loss of income by the Multiplier applicable to the age on the date of determining the compensation, or

(b) In case of permanent partial disablement such percentage of compensation which would have been payable in the case of permanent total disablement as specified under item (a) above.



Injuries deemed to result in permanent total disablement/permanent partial disablement and percentage of loss or earning capacity shall be as per Schedule I under Workmen's Compensation Act, 1923.

xxx

xxx

xxx”

4. The Tribunal has awarded a consolidated sum of Rs.68,392/- that includes medical expenses of Rs.18,392/- on actual basis and Rs.50,000/- granted on account of pain & sufferings, special diet etc.
5. Following the mandate of Section 163-A read with Clause 5 of Second Schedule appended to the Act of 1988, the entitlement of claimant needs to be re-worked.
6. Having remained hospitalized for almost a month, he must have remained bed-ridden at last for two months. Loss of income for 2 months i.e. Rs.8,000/-. Multiplier of 18 would be applicable. Claimant is awarded Rs.15,000/- as medical expenses as per the cap. Claimant shall also be entitled for interest @ 9% per annum from the date of filing of the claim petition till the actual date of realization.
7. Any amount already paid to the claimant/appellant in execution of the award, shall be set off.
8. With the aforesaid modification in the impugned award, the instant appeal is disposed off.
9. Pending application, if any, shall be disposed off.

May 15, 2025

Dpr

(Pankaj Jain)

Judge

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