



FAO No. 1649 of 2000

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 1649 of 2000(O&M) &

XOBJC-16-CII of 2001

Reserved on: 22.09.2025

Pronounced on: 24.09.2025

Ranjit Singh

...Appellant

Versus

State of Punjab & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued by:- Mr. Sudhir Pruthi, Advocate
for the appellant.

Mr. Krunesh Kaushal, AAG Punjab and
Mr. Atinder Pal Singh, Advocate
For respondent No.2.

DEEPAK GUPTA, J.

On 14.03.1995, on account of rash and negligent driving of driver of vehicle number PB08B-2221 owned by Respondent-State of Punjab, petitioner-appellant Ranjit Singh sustained injuries. He filed petition under Section 166 of the Motor Vehicles Act, seeking compensation before Motor Accident Claims Tribunal, Chandigarh. The Tribunal awarded ₹90,000/- for medical expenses, ₹10,000/- for transportation charges, ₹ 1,30,000/- on account of permanent disability, ₹ 1,00,000/- on account of loss of salary, ₹10,000/- on account of attendant charges and ₹ 10,000/- for special diet, thus, total compensation assessed was ₹ 3,50,000, which were directed to be paid by the driver and owner of the offending vehicle jointly and severally, along with interest @ 12% per annum, from the date of filing of the petition.

Dis-satisfied claimant filed the present appeal seeking enhancement in compensation.

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On the other hand, the driver of the offending vehicle filed cross-objections submitting that there was no negligence on his part in driving the offending vehicle.

This Court has considered the submissions of both the sides and have appraised the record.

As far as the cross-objections filed by respondent No.2-driver are concerned, the same deserve to be dismissed. It has been stated by learned counsel for the appellant that respondent No.2 has been convicted by the criminal Court on account of his rash and negligent driving. The said fact has not been refuted by counsel for the respondents. As such, the finding on issue No.1 regarding the accident having been caused due to rash and negligent driving of respondent No.2 is hereby affirmed.

Seeking enhancement, it is contended by learned counsel for the appellant-claimant that claimant suffered 65% permanent disability as he was found to have left sided hemiparesis besides stiffness of the left knee. He points out that despite this permanent disability of 65%, only an amount of ₹1,30,000/- has been awarded by the Tribunal under this head. It is contended that compensation on account of permanent disability should be assessed by considering it as a functional disability and by calculating the amount as per the income of the injured.

As per the evidence on record, injured was working as Patwari at the relevant time and was getting monthly salary of ₹2700/- to ₹2800/-. Having regard to the nature of his job, it cannot be assumed that his functional disability was reduced to the extent of 65%. However, still the said functional disability can be taken to be at-least 50%. Taking the salary of injured as ₹2700/- per month i.e. ₹32,400/- per annum and by deducting 50% (functional disability), the loss comes out to be ₹16,200/- per annum. Injured was 30 years of age at the time of accident and so by applying the multiplier of 17, the compensation on account of permanent disability is assessed to be ₹2,75,400/-. An amount of ₹1,30,000/- has already been awarded, therefore, enhancement comes to ₹1,45,400/-.

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Enhancement in compensation under no other head has been claimed.

On account of the aforesaid discussion, the present appeal is accepted by modifying the award of the Tribunal and by allowing enhanced compensation of ₹1,45,400/- to the appellant-claimant. The said enhanced compensation of ₹1,45,400/- shall be payable to the appellant along with interest @ 7.5% per annum to be calculated from the date of filing of the claim petition till actual realization.

Disposed of accordingly.

(DEEPAK GUPTA)
JUDGE

24.09.2025

Jiten

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