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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2402-2019 (O&M)

Date of Decision : 28.08.2025

Sunny Gera

... Appellant

Versus

Amar Nath and Others

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amandeep Rana, Advocate for the appellant.

Mr. Nigam Bhardwaj, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the claimant-appellant challenging the award dated 31.08.2018 passed by the Motor Accident Claims Tribunal, Gurugram (hereinafter referred to as 'the Tribunal') whereby an amount of ₹14,78,400/- was awarded as compensation to the claimant-appellant for the injuries suffered by him.

2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.

3. In the present case the Tribunal had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Loss of future earnings on account of permanent disability	₹7,77,600/-

2	Medical expenses	₹6,44,803/-
3	Pain and suffering	₹10,000/-
4	Attendant charges & Special diet	₹5000/-
5	Transportation charges	₹5000/-
6	Loss of income	₹36,000/-
	Total Compensation	₹14,78,403/-
	Interest	7% per annum

4. Learned counsel for the claimant-appellant would contend that though income of the claimant-appellant has rightly been assessed and a multiplier method has correctly been applied, however, no amount has been awarded towards loss of future prospects, which ought to have been 40% keeping in view the age of the injured-claimant who was about 22 years of age. It is further the contention that the compensation awarded under the heads pain and suffering, special diet, attendant charges and transportation are on the lower side and that no amount has been awarded towards loss of amenities of life, marriage prospects and for the prosthetics. Learned counsel for the claimant-appellant has relied upon judgments of the Hon'ble Supreme Court in the cases of **Pappu Deo Yadav Vs. Naresh Kumar & Ors. [2020 (4) RCR (Civil) 404]** and that of the Delhi High Court in case of **Reliance General Insurance Co. Ltd. vs. Rohit Kumar & Ors. [2017 (7) AD (Delhi) 602]**.

5. *Per contra* learned counsel appearing on behalf of respondent No.3-Insurance Company has contended that sufficient amount has already been awarded as compensation and no further enhancement is called for.

6. Heard.

7. In the present case, at the time of accident, the claimant-appellant was 22 years of age. PW5 Dr. Ravi Sauhta, Orthopedic Surgeon, Paras Hospital, Gurugram has deposed that on 12.10.2009, the claimant-appellant

was attended to in the Emergency with four injuries including crush injury on left foot and ankle with degloving of the skin in the left leg. This witness further deposed that due to fractures, procedures were performed and left lower limb of the claimant-appellant was amputated below the knee. He further deposed that the claimant-appellant was discharged from hospital on 27.10.2009 in a stable condition with follow-up in future. This witness proved on record the Medico-Legal Report as Ex.P64. Further, PW3 Dr. Arvind Jindal, Medical Officer, Government Hospital, Gurugram has proved on record the disability of the claimant-appellant to the extent of 60% and deposed that the claimant-appellant was having traumatic amputation of left leg lower third below knee. In view of this evidence, the Tribunal has rightly assessed the disability of the claimant-appellant as 60%. Otherwise also there is no challenge thereto.

8. Since there is no dispute so far as the income of the claimant-appellant and the multiplier method applied thereto by the Tribunal, the same are accordingly maintained. Further, the compensation under the pecuniary heads i.e. future earnings on account of permanent disability and medical expenses as awarded by the Tribunal is also not in dispute and the same is accordingly maintained.

9. Now coming to the compensation under the non-pecuniary heads, it is not in dispute that it is a case of amputation of the left leg below the knee and the claimant-appellant is also required a prosthetic limb for his day-to-day activity keeping in view the disability suffered by him in the accident in question. No amount has been awarded by the Tribunal for the prosthetic limb. Taking a cue from the judgment in the case of **Rohit Kumar** (supra) wherein an amount of ₹7,00,000/- was awarded towards cost of the

artificial limb in the year 2017, this Court deems it appropriate to award an amount of ₹10,00,000/- towards costs of the artificial limb and future maintenance of the said artificial limb.

10. Though the Tribunal has rightly applied the multiplier method so far as loss of income is concerned however no addition has been made towards future prospects which ought to have been made @ 40% in view of the law laid down in case of **Pappu Deo** (supra). Thus, the claimant-appellant is also entitled to addition of 40% towards future prospects.

11. As has been deposed by PW5 Dr. Ravi Sauhta the claimant-appellant was got admitted in Paras Hospital, Gurugram on 12.10.2009 and was discharged on 27.10.2009. The Tribunal has awarded a sum of ₹5000/- towards attendant charges and special diet, which in the opinion of this Court is on the lower side keeping in view the disability of the claimant-appellant. Accordingly, the amount awarded by the Tribunal towards attendant charges and special diet is enhanced to ₹25,000/-. Since it is a case of amputation of the left leg below the knee, the claimant-appellant must have suffered pain and suffering and accordingly the compensation awarded by the Tribunal is enhanced to ₹2,00,000/-. An amount of ₹5000/- awarded by the Tribunal towards transportation charges is enhanced to ₹20,000/-. At the time of the accident the claimant-appellant was a bachelor of 22 years of age and due to the disability suffered by him his marriage prospects have been diminished and for that an amount of ₹5,00,000/- is also awarded towards loss of amenities of life and marriage prospects. The amount of ₹36,000/- awarded by the Tribunal towards loss of income is maintained.

12. Accordingly, the reworked compensation is as under :

Sr.No.	Heads	Compensation Awarded
1	Loss of future earnings on account of permanent disability as assessed by the Tribunal	₹7,77,600/-
2	Future prospects @ 40%	[₹7,77,600 + 3,11,040] = ₹ 10,88,640/-
3	Costs of Artificial limb and its maintenance in future	₹10,00,000/-
4	Attendant charges and Special Diet	₹25,000/-
5	Pain and suffering	₹2,00,000/-
6	Transportation charges	₹20,000/-
7	Loss of amenities of life and marriage prospects	₹5,00,000/-
8	Medical Bills as allowed by the Tribunal	₹6,44,803/-
9	Loss of income as awarded by the Tribunal	₹36,000/-
	Total Compensation	₹35,14,443/-

13. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

14. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 SC 1713]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimant within six weeks from today. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimant-appellant to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

15. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

28.08.2025
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO