



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

FAO-1749-2002 (O&M)

Ishwar Singh

. . . . **Appellant**

Vs.

Suresh and Others

. . . . **Respondents**

**Reserved on: 01.04.2026
Pronounced on: 02.04.2026
Pronounced fully/operative part: Fully**

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Argued by:- Mr. S.P. Chahar, Advocate
for the appellant.

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

DEEPAK GUPTA, J.

The present appeal has been preferred by the claimant–injured assailing the award dated 20.07.2001 passed by the learned Motor Accident Claims Tribunal, Rohtak, on the limited aspect of inadequacy of compensation.

2. The brief facts, as emanating from the record, are that on 07.02.1999, the appellant was travelling in jeep bearing registration No. HR-16A-0706 when, owing to dense fog, the said vehicle first struck a tractor and was thereafter stationed on the roadside. Subsequently, another jeep bearing registration No. HR-16A-6098, being driven rashly and negligently, rammed into the stationary jeep, resulting in fatal injuries to the driver and grievous injuries to the appellant. The appellant sustained multiple injuries, ultimately leading to amputation of both his legs below the knee, thereby rendering him permanently disabled.



3. The appellant filed a claim petition under the Motor Vehicles Act seeking compensation of ₹10,00,000/-. The learned Tribunal, upon appreciation of evidence, held that the accident occurred due to the negligence of jeep No. HR-16A-0706 and awarded a sum of ₹3,30,000/- along with interest.

4. Aggrieved by the quantum so awarded, the present appeal has been filed seeking enhancement.

5. Learned counsel for the appellant contends that the Tribunal failed to properly assess the impact of permanent disability on the earning capacity of the appellant. It is submitted that the appellant, aged 45 years at the time of accident, lost both his legs and, therefore, suffered 100% functional disability. It is further argued that the Tribunal did not adequately compensate the appellant under various heads in light of settled legal principles.

6. *Per contra*, learned counsel appearing for the insurer does not dispute the extent of disability but submits that there is no cogent evidence regarding the income of the appellant and that the compensation awarded by the Tribunal is just and reasonable.

7. Having heard learned counsel for the parties and perused the record, this Court finds that the finding of negligence recorded by the learned Tribunal has attained finality, as the same has not been assailed by any of the respondents. The scope of the present appeal is thus confined to the determination of just compensation.

8. It is not in dispute that the appellant suffered amputation of both legs below the knee. The disability certificate duly proved on record establishes that the appellant has suffered 100% permanent disability. In such circumstances, the distinction between physical and functional disability assumes significance. In view of the law laid down by the Hon'ble Supreme Court in ***Raj Kumar vs. Ajay Kumar, 2011 ACJ (1)***, in cases where the injury results in total incapacitation to carry on the avocation, the functional disability



has to be treated as 100%. Applying the said principle, the appellant is to be treated as having suffered complete loss of earning capacity.

9. As regards income, though the appellant claimed a monthly earning of ₹3,500/-, no documentary evidence has been produced in support thereof. In such circumstances, recourse is required to be taken to minimum wages prevalent at the relevant time. The minimum wages in the State of Haryana in the year 1999 were approximately ₹1,901/- per month. Taking a reasonable and rounded figure, the monthly income of the appellant is assessed at ₹1,900/-, i.e. ₹22,800/- per annum.

10. In view of the law laid down in ***National Insurance Company Limited vs. Pranay Sethi (2017) 16 SCC 680***, an addition towards future prospects is warranted even in cases of self-employed persons. Considering the age of the appellant (45 years), an addition of 25% is made, thereby enhancing the annual income to ₹28,500/-.

11. Applying the appropriate multiplier of 14, as per the age of the appellant, the loss of future earning capacity works out to be ₹3,99,000/- (₹28,500 × 14). Given the nature of disability, the entire loss is to be taken into account.

12. In addition to loss of earnings, the claimant is entitled to compensation under non-pecuniary heads. The Hon'ble Supreme Court in ***R.D. Hattangadi vs. Pest Control (India) Pvt. Ltd. 1995 SCC (1) 551***, has emphasized that compensation must adequately cover pain and suffering, loss of amenities, and the overall impact on quality of life.

13. Considering the grievous nature of injuries, particularly the amputation of both legs, the appellant is awarded ₹25,000/- towards pain and suffering and ₹1,00,000/- towards loss of amenities, inconvenience, and frustration of life.

14. The appellant would necessarily require assistance for day-to-day activities for the remainder of his life. Even if such services are rendered by



family members, the claimant is entitled to compensation towards attendant charges. Taking a modest amount of ₹1,000/- per month and applying the multiplier of 14, the attendant charges are assessed at ₹1,68,000/-.

15. The amount of ₹30,000/- awarded by the Tribunal towards medical and miscellaneous expenses is found to be reasonable and is accordingly affirmed.

16. Thus, the total compensation payable to the appellant is recalculated as under:

- Loss of future earning capacity : ₹3,99,000/-
- Medical and miscellaneous expenses : ₹30,000/-
- Pain and suffering : ₹25,000/-
- Loss of amenities : ₹1,00,000/-
- Attendant charges : ₹1,68,000/-
- **Total** : **₹7,22,000/-**

17. After deducting the amount of ₹3,30,000/- already awarded by the Tribunal, the enhanced compensation comes out to be ₹3,92,000/-.

18. Consequently, the present appeal is partly allowed. The appellant shall be entitled to an enhanced compensation of ₹3,92,000/-, which shall be payable by respondent Nos.4 and 5 jointly and severally, along with interest @ 7.5% per annum from the date of filing of the claim petition till its realization.

19. The appeal stands disposed of in the aforesaid terms. No order as to costs.

(DEEPAK GUPTA)
JUDGE

02.04.2026

Neetika Tuteja

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No

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