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

FAO-1215-2002 (O&M)
Date of decision: 03.08.2026

NILESH .... APPELLANT

Versus

RAMOTAR AND OTHERS ..... RESPONDENTS

1.	Judgment reserved on	02.07.2026
2.	Judgment pronounced on	03.08.2026
3.	Judgment uploaded on	03.08.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced.	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Nil

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Deepinder Singh Walia, Advocate for the appellant.

Ms. Deepika, Advocate for
Mr. Sandeep Kumar Yadav, Advocate for respondents No.1 and 2.

Mr. P.S. Saini, Advocate and
Ms. Ayushi Jain, Advocate and
Mr. Pardeep Goyal, Advocate
for respondent No.3-Insurance Company.

YASHVIR SINGH RATHOR. J.(Oral)

1. This appeal has been instituted by the claimant for enhancement of compensation against the Award dated 29.09.2000 passed by MACT, Narnaul **(for short "Tribunal")** in MACT Case No.44 of 1999 in a petition under Sections 166

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and 140 of the Motor Vehicles Act, 1988 **(for short 'Act')** vide which a sum of Rs.1,75,000/- has been awarded as compensation to claimant due to injuries suffered by him in a motor vehicular accident on account of rash and negligent driving on the part of respondent No.1-driver, while driving truck bearing No.HRM-7785 **(for short 'offending vehicle')**, owned by respondent No.2 and insured with respondent No.3.

2. From the pleadings of parties, following issues were framed by the learned Tribunal:-

> *"1. Whether the road side vehicular accident having occurred on 27.2.99 at about 2 P.M. in the area of Mahendergarh, Police Station Mahendergarh and the consequent injury on the person of claimant Nilesh Kumar had resulted on account of rash and negligent driving of truck No.HRM-7785 by respondent No.1 Ramotar? OPP*
>
> *2. Whether the petitioner is entitled to be compensated for the injuries caused on his person in the above accident, if so, to what extent and by whom?OPP*
>
> *3. Whether respondent No.1 was not holding a valid driving licence at the time of accident, if so, its effect?OPR-3."*

3. Thereafter, the parties led evidence in support of their case.

4. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.1,75,000/- as compensation to the claimant, on account of injuries suffered by him along with interest @ 12% per annum from the date of filing of claim petition till realization, payable by respondents No.1 to 3, jointly and severally.

5. Feeling aggrieved, the appeal in hand has been preferred. The

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material on file has been perused and parties have been heard.

6. The only issue required to be determined in the present appeal relates to the assessment of compensation. Therefore, the entire facts regarding the manner of the accident are not required to be reproduced in detail, as the Tribunal has already held under issue No.1 that the accident had occurred due to the rash and negligent driving on the part of respondent No.1, while driving offending vehicle and respondents No.1 to 3 have been held liable to pay compensation jointly and severally. No appeal or cross-objections have been filed by respondents, challenging the said finding and accordingly finding on issue No.1 is not required to be interfered with and the same is affirmed.

7. Learned counsel for the appellant argued that the compensation awarded by the learned Tribunal in respect of the injuries suffered by the minor claimant is grossly inadequate. The facts of the case and evidence on file have not been appreciated in the correct perspective while awarding total compensation of Rs.1,75,000/-, despite the fact that claimant who was only two and a half years of age has suffered serious head injuries and has become 75% permanently disabled and cannot take care of himself. He will have to remain dependent upon others throughout his life and will suffer loss of future earnings, loss of amenities in life including loss of marital bliss, loss of expectancy in life, inconvenience, hardships, discomfort etc. He will also require medical treatment throughout his life and learned counsel prayed that the compensation be adequately enhanced for all the pecuniary and non-pecuniary heads which have not been taken into consideration by the learned Tribunal. In support of his contentions, learned counsel for the appellant has relied upon 2014 (1) RCR (Civil) 914 ***Sanjay Verma***

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Vs. Haryana Roadways, 2009(6) SCC 121 ***Sarla Verma and others Vs. Delhi Transport Corporation and Another,*** 2017 (16) SCC 680 ***National Insurance Co. Ltd Vs. Pranay Sethi and Others,*** law finder Doc ID # 1679623, ***Kajal Vs. Jagdish Chand and Others,*** *law finder Doc ID #2008349,* ***Abhimanyu Partap Singh s. Namita Sekhon & Another,*** *2025 ACJ 1624* ***Karuna Parmar Vs. Prakash Sinha and others*** *and 2024 SCC Online SC 3692,* ***Baby Sakshi Greola Vs. Manzoor Ahmad Simon***

8. On the other hand, learned counsel for respondents argued that the award in question is well reasoned and justified. The material on file has been appreciated in the correct perspective while assessing the compensation and no interference in the same is thus called for.

9. The law is well settled that the compensation for injuries suffered by victim in a motor vehicular accident should be just and equitable. Courts have consistently held that while money cannot erase the pain, suffering, or trauma but it is the only legal means to provide restitution and restore the victim to his previous position as far as possible for which ‘just compensation’ has to be assessed. It is also well settled that while it is impossible to fully compensate for the loss of limb, life, or quality of life, the compensation must be ‘Just’, meaning thereby, that it should be fair, reasonable, and equitable based on the evidence and not merely a ‘Windfall’ or a ‘Pittance’. The core objective is to put the injured/victim in the same position he would have been if the accident had not taken place, to the extent money can do so. This approach ensures that the law provides a realistic recompense for the trauma endured, rather than just providing normal relief.

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10. Hon'ble Supreme Court in 2013 (3) RCR (Civil) 934 - **G.Ravindranath @ R. Chowdary Vs. E. Srinivas and another**, has held that in a case of accident resulting in injuries to the victim, the compensation in personal injury cases should be determined under the following heads:-

Pecuniary damages (Special damages)

(i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing expenditure, food and miscellaneous

(ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:

(a) Loss of earning during the period of treatment;

(b) Loss of future earnings on account of permanent disability

(iii) Future medical expenses.

Non-pecuniary damages (General damages)

(iv) Damages for pain, suffering and trauma as a consequence of the injuries.

(v) Loss of amenities (and/or loss of prospects of marriage).

(vi) Loss of expectation of life (shortening of normal longevity).

In routine personal injury cases, compensation will be awarded under heads (i), (ii) (a) and (iv) It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant that compensation will be granted under any of the heads (ii) (b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life.

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11. In order to prove his case, father of the minor claimant Satender Singh had stepped into the witness-box as PW4 and deposed that after the offending truck hit his scooter, he as well as his wife and minor son suffered serious injuries. His wife died in the hospital and minor son namely Nilesh was shifted to PGIMS Rohtak due to his serious condition, where he remained admitted from 27.02.1999 to 11.03.1999. He had spent Rs.75,000/- on his treatment. His son had suffered head injuries and has become permanently disabled to the extent of 75%. The age of claimant-Nilesh is two and a half years and he is unable to maintain himself. The MLR of the claimant Ex. P3 has been led in evidence which shows that he was medico legally examined and had suffered diffuse swelling over temporal region of the scalp, diffuse swelling over forehead and eyebrows, besides swelling on face.

12. The disability certificate of the claimant issued by Board constituted at PGIMS Rohtak has also been tendered as Ex. P25, which shows that he has become 75% permanently disabled due to skull fracture involving the right parietal region. The claimant was two and a half years of age and as such, this disability is going to remain with him throughout his life and he will not be able to take care of himself. Learned Tribunal has awarded only a sum of Rs.15,000/- on account of pain and sufferings, which in my opinion is grossly inadequate. It is a matter of common knowledge that pain component in such injuries is enormous and such injuries take a considerable time to heal. Taking into consideration the severity of injuries, claimant is held entitled to a sum of **Rs.2,00,000/- on account of pain and sufferings**.

13. Hon'ble Supreme Court in **Karuna Parmar's case (supra)** while

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relying upon judgment rendered by the Hon'ble Supreme Court in **Baby Sakshi Greola's case (supra),** has held that minimum wages payable to a skilled worker in the concerned State have to be taken into consideration while assessing income in the case of a child because that would be the minimum amount which a child would have earned on attaining the age of majority. In **Karuna Parmar's case (supra)**, a girl aged 6 years had died and taking into consideration the minimum wages for skilled workers in the year 2014 to be Rs.223 per day, annual income was assessed as Rs.80,280/- and thereafter, future prospects were applied and after applying multiplier of 18, the compensation was assessed. In the present case, claimant was two and a half years of age and the accident had taken place on 27.02.1999 and during those days, minimum wages earned by a skilled person were around Rs.3,500/- per month and accordingly, income of claimant is taken as **Rs.3,500/- per month**.

14. Claimant was around two and a half years of age on the date of the accident and as such, 40% amount has to be added to his monthly income towards future prospects in view of the law laid down in ***Sanjay Verma's case (supra)*** **and** ***Pranay Sethi's case (supra)***, which takes his income to **Rs.4,900/- per month** (**Rs.3,500/- + Rs.1,400/-**).

15. Claimant has suffered 75% permanent disability, which will certainly diminish his earning capabilities and the avocation or profession he will pursue. The compensation under the head 'loss of income' thus has to be assessed keeping in view the percentage by which his earning capability has been diminished and by applying a suitable multiplier in view of law laid down by Hon'ble Supreme Court in 2010(4) PLR 242 **Yadava Kumar Vs. The Divisional Manager,**

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National Insurance Company Limited. Since, claimant has suffered 75% permanent disability, the monthly loss of income will thus come to **Rs.3,675/-** (**Rs.4,900/- × 75%**) and the annual loss of income will come to **Rs.44,100/- per annum** (**Rs.3,675/-** × 12) and in view of law laid down in **Pranay Sethi's case (supra), Sarla Verma's case (supra),** and **Baby Sakshi Greola's case (supra),** multiplier of 18 has to be applied which takes the compensation to **Rs.7,93,800/- (Rs.44,100/- X 18)** on account of '**loss of income**' due to **permanent disability**.

16. Claimant has also been awarded a sum of Rs.10,000/- for the expenses incurred on treatment, as per bills produced by him. No doubt, the claimant was treated at PGIMS Rohtak, where treatment is free of cost but it is a matter of common knowledge that the patient and their attendants generally do not preserve all the bills and some amount of guesswork has to be applied while assessing the expenses incurred on treatment. Besides this, he may have to incur some more expenses on his future treatment as well and he is accordingly held entitled to a sum of **Rs.75,000/- towards cost of present and future treatment**.

17. It must have taken at least 06 months for the injuries to heal and during this period, the claimant must have spent some amount on **special diet and on transportation**, accordingly, he is held entitled to a sum of **Rs.25,000/-** under all these heads.

18. Taking into consideration the permanent disability to the extent of 75% suffered by the claimant, he would not be able to take care of himself and will require an attendant throughout his life and accordingly, he is held entitled to a sum of **Rs.2,500/- per month for engaging an attendant for 18 years (Rs.2,500 × 12 × 18=Rs.5,40,000/-).**

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19. The disability suffered by claimant is going to remain with him throughout his life as it will impact his routine activities. Accordingly, the claimant is held entitled to a sum of **Rs.75,000/-** on account of '**loss of amenities of life i.e. discomfort, inconvenience, hardship and loss of expectancy of life.**

20. The claimant was two and a half years of age at the time of the accident and in view of the nature of the injuries suffered by him and the permanent disability, he is held entitled to a sum of **Rs.1,00,000/-** on account of **'loss of marriage prospects'**.

21. Resultantly, the compensation to be awarded to the claimant is assessed as under:-

Sr. No.	Head of compensation	Compensation assessed by this Court
1.	**Age**	**Two and a half years**
2.	**Pain and sufferings**	**Rs.2,00,000/-**
3.	**Loss of income due to permanent disability (Rs.44,100 × 18)**	**Rs.7,93,800/-**
4.	**Present and future medical expenses**	**Rs.75,000/-**
5.	**Special diet and transportation charges**	**Rs.25,000/-**
6.	**Future attendant charges (Rs.2,500 × 12 × 18)**	**Rs.5,40,000/-**
7.	**Loss of amenities**	**Rs.75,000/-**
8.	**Loss of marriage prospects**	**Rs.1,00,000**
9.	**Total compensation**	**Rs.18,08,800/- (Rounded off to Rs.18,09,000/-)**

22. Resultantly, the appeal in hand is partly accepted with costs and appellant/claimant is held entitled to a sum of **Rs.18,09,000/-** as compensation.

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The enhanced compensation thus comes out to **Rs.16,34,000/- (Rs.18,09,000/- - Rs.1,75,000/-)** over and above the compensation awarded by the Tribunal. The entire compensation including enhanced compensation shall be payable jointly and severally by respondents No.1 to 3 along with interest @ 9% per annum, from the date of filing of the claim petition i.e. 11.05.1999, till realization. Out of the enhanced compensation awarded by this Court, a sum of Rs.3,00,000/- be disbursed to the father or the claimant, as he has now attained majority and balance amount be kept deposited in a fixed deposit for a period of five years, so as to attract maximum rate of interest. The interest which will accrue on the fixed deposit shall be payable to the guardian of the appellant every month. Moreover, it shall be open to the guardian to seek orders from the Tribunal for withdrawal of the amount, in case any necessity arises for major expenses.

23. Registry is directed to email the authenticated copy of the award to the respondent Insurance Company in terms of directions issued by the Hon'ble Supreme Court in Writ Petition (Civil) No.534 of 2020 titled **Bajaj Allianz General Insurance Company Versus Union of India and others,** decided on 16.03.2021 and Insurance Company shall comply with the directions as issued under Clause (F) of the said judgment.

24. Pending miscellaneous application(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

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

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