



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

(i) FAO-2278-2011 (O&M)

Ramandeep Singh
...Appellant

VERSUS

M/s Sham Banquet Hall and others
...Respondents

(ii) FAO-2279-2011 (O&M)

Mandeep Kaur
...Appellant

VERSUS

M/s Sham Banquet Hall and others
...Respondents

(iii) XOBJC-77-CII-2011 (O&M)

Ramandeep Singh
...Appellant

VERSUS

M/s Sham Banquet Hall and others
...Respondents

(iv) XOBJC-78-CII-2011 (O&M)

Mandeep Kaur
...Appellant

VERSUS

M/s Sham Banquet Hall and others
...Respondents

Date of Decision: March 05, 2025



CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Som Nath Saini, Advocate
for the appellants.

Mr.Mrigank Sharma, Advocate
for respondent No.3/cross-objectors.

ARCHANA PURI, J.

These are two appeals, **FAOs-2278 and 2279-2011**, filed at the instance of appellants-claimants, thereby, assailing adequacy of the compensation awarded by learned Tribunal, on account of injuries sustained by them, in a motor vehicular accident, which took place on 07.06.2008.

Cross objections, **XOBJCs-77 and 78-CII-2011** have also been filed by the insurance company, thereby, seeking reduction of the compensation.

On appraisal of the evidence, brought on record, it was concluded by learned Tribunal that accident was caused due to rash and negligent driving of car bearing registration No.PB-11AD-0057, driven by respondent No.2-Davinder Kumar, which led to extensive multiple injuries on the person of Mandeep Kaur (who was driving the ill-fated motorcycle bearing registration No.PB-39B-8415) and Ramandeep Singh (who was pillion rider of the motorcycle).

In this backdrop, firstly, let us consider the compensation awarded to appellant-claimant Mandeep Kaur.

From the ICSE Certificate, proved in evidence as Ex.P107, it is evident that date of birth of appellant-claimant Mandeep Kaur is 24.03.1986



and as such, on the date of accident i.e. 07.06.2008, she was 22 years old. Also, from the educational certificates, coming on record, it stands established that claimant-Mandeep Kaur was student of M.Sc. (Microbial and Food Technology), in Punjabi University, Patiala, at the time of accident. She had already passed Semester-II examination and the result-cum-detail marks card of the same is Ex.P106.

Sharanjit Singh Bhatia, father of the claimant, through whom the claim petition was filed, stepped into witness box as PW-1. In his affidavit, the said witness has categorically stated about Mandeep Kaur to have become 100% disabled. She is not in a position to speak and she is completely bedridden. She is not in a condition to move from the bed. He has also given the detail of the treatment undergone by her, on account of injuries sustained in the accident in question. In this regard, suffice to consider various documents, proved in evidence, where from, it is evident that claimant Mandeep Kaur was taken to A.P.Jain Hospital, Rajpura, from where, she was shifted to Fortis Hospital, Mohali and then to NINS Hospital, Sector-34, Chandigarh. Various bills of the medical expenditure have also been proved.

Even, PW-4 Dr.Amandeep Singh of Gian Sagar Medical Hospital has been examined, who deposed about the treatment undergone by the claimant. Even, PW-5 Davinder Kumar has proved the disability certificate of Mandeep Kaur, which is Ex.P2. Therein, it is stated to be case of '**head injury #shaft humerous # clavicle ® and hemaplegia**'. The disability was stated to be 100% and it was stated to be '**temporary for one year**'. Thereafter, again on 10.03.2010, re-assessment of the disability was done



and it was held to be 100% and that too ‘temporary for one year’.

Considering the recitals of aforesaid disability certificates, proved in evidence and taking it to be temporary disability, the compensation awarded, on account of disability was Rs.2,00,000/-. However, the detail of the compensation granted by learned Tribunal, on account of injuries sustained by claimant-Mandeep Kaur, is reproduced in tabular form, as herein given:-

1.	Medical expenses	Rs.6,30,000/-
2.	Loss of education	Rs.2,00,000/-
3.	Loss of future life and marriage prospects	Rs.5,00,000/-
4.	Charges of attendant	Rs.2,00,000/-
5.	Pain, suffering and transportation	Rs.2,00,000/-
6.	Temporary disability	Rs.2,00,000/-
	Total	Rs.19,30,000/-

However, the aforesaid ‘work on’ of the compensation aforesaid, do call for re-determination.

At the very outset, it is pertinent to mention that during the pendency of the appeal, the assessment of the disability was again made on 26.03.2012 and therein, in the disability certificate, it was mentioned by the Civil Surgeon, Patiala that the patient has ***right sided UMN hemiparesis and very severe speech disability likely to be due to motor aphaise. Pt. Has disability of 100% (hundred percent). It is unlikely to recover.***

From the recitals aforesaid, it is evident that the disability now is 100% and that too ‘permanent’. As such, it is evident that claimant-Mandeep Kaur has become crippled person, for rest of her life. The ample evidence, in this regard, has come on record.

The Motor Vehicles Act is in the nature of social welfare



legislation and its provisions make it clear that compensation should be ‘justly’ determined. A person therefore is not only to be compensated for the injury suffered due to the accident, but on account of the loss suffered by him/her, as a consequence of the impact of the accident, more particularly, considering his/her ability to lead life, he/she led, prior to the life altering event. A three Judges’ Bench in ***Jagdish Vs. Mohan and others, 2018 (4) SCC 571***, made the following relevant observations, on the intrinsic value of human life and dignity that is attempted to be recognised, through such compensatory awards:-

“...the measure of compensation must reflect a genuine attempt of the law to restore the dignity of the being. Our yardsticks of compensation should not be so abysmal as to lead one to question whether our law values human life. If it does, as it must, it must provide a realistic recompense for the pain of loss and the trauma of suffering. Awards of compensation are not law's doles. In a discourse of rights, they constitute entitlements under law.”

The Courts should, as such, strive to provide a realistic recompense, having regard to the realities of life, both in terms of assessment of the extent of disability and its impact, including the income generating capacity of the claimant and not only that, even the impact of the accident on his/her life, on account of his/her physical disability. The Courts should be mindful of the fact that even though, the physical disability may be on the lesser count, but the functional disability, on account of injury sustained, can be on a higher side.

The extent of economic loss, arising from a disability, may not be measured in proportions, to the extent of permanent disability. In this



regard, suffice to make reference to the decision rendered by the Supreme Court in ***Raj Kumar Vs. Ajay Kumar and Anr., 2011 (1) SCC 343***. The efforts of the Courts must always be to substantially ameliorate the misery of the claimant and recognize his/her actual needs, by accounting for the ground realities. However, the measures should be in correct proportion.

In ***Raj Kumar's case (supra)***, the Hon'ble Supreme Court, brought out the difference between permanent disability and functional disability, resulting in the loss of earning capacity. It was laid down that the compensation, on account of loss of earning capacity, has to be granted, in accordance with nature of the job undertaken by the victim of the motor accident. Beneficial reference is made to observations made in the *ibid* case, as herein given:-

“Where the claimant suffers a permanent disability as a result of injuries, the assessment of compensation under the head of loss of future earnings, would depend upon the effect and impact of such permanent disability on his earning capacity. The Tribunal should not mechanically apply the percentage of permanent disability as the percentage of economic loss or loss of earning capacity. In most of the cases, the percentage of economic loss, that is, percentage of loss of earning capacity, arising from a permanent disability will be different from the percentage of permanent disability. Some Tribunals wrongly assume that in all cases, a particular extent (percentage) of permanent disability would result in a corresponding loss of earning capacity, and consequently, if the evidence produced show 45% as the permanent disability, will hold that there is 45% loss of future earning capacity. In most of the cases, equating the extent (percentage) of loss of earning capacity to the extent (percentage) of permanent disability will result in award of either too low or too high a compensation. What



requires to be assessed by the Tribunal is the effect of the permanently disability on the earning capacity of the injured; and after assessing the loss of earning capacity in terms of a percentage of the income, it has to be quantified in terms of money, to arrive at the future loss of earnings (by applying the standard multiplier method used to determine loss of dependency). We may however note that in some cases, on appreciation of evidence and assessment, the Tribunal may find that percentage of loss of earning capacity as a result of the permanent disability, is approximately the same as the percentage of permanent disability in which case, of course, the Tribunal will adopt the said percentage for determination of compensation”

The test for determining the effect of permanent disability, on future earning capacity involves three steps, as was laid down in ***Raj Kumar's case (supra)*** and reiterated by the Hon’ble Supreme Court in ***Chanappa Nagappa Muchalagoda vs. Divisional Manager, New India Insurance Company Limited, 2020 (1) SCC 796***, while observing, as herein given:-

“13. Ascertainment of the effect of the permanent disability on the actual earning capacity involves three steps. The Tribunal has to first ascertain what activities the claimant could carry on in spite of the permanent disability and what he could not do as a result of the permanent disability (this is also relevant for awarding compensation under the head of loss of amenities of life). The second step is to ascertain his avocation, profession and nature of work before the accident, as also his age. The third step is to find out whether (i) the claimant is totally disabled from earning any kind of livelihood, or (ii) whether in spite of the permanent disability, the claimant could still effectively carry on the activities and functions, which he was earlier carrying on, or (iii) whether he was prevented or restricted from discharging his previous activities and functions, but could carry on some other or lesser scale of activities and functions, so that he continues to earn or can continue to earn his livelihood.”



The above yardstick to be adopted in such exigencies was reaffirmed in ***Pappu Deo Yadav vs. Naresh Kumar and others, (2020) SCC Online 752***, wherein, it was observed, as herein given:-

“13. The factual narrative discloses that the appellant, a 20-year-old data entry operator (who had studied up to 12th standard) incurred permanent disability, i.e. loss of his right hand (which was amputated). The disability was assessed to be 89%. However, the tribunal and the High Court reassessed the disability to be only 45%, on the assumption that the assessment for compensation was to be on a different basis, as the injury entailed loss of only one arm. This approach, in the opinion of this court, is completely mechanical and entirely ignores realities. Whilst it is true that assessment of injury of one limb or to one part may not entail permanent injury to the whole body, the inquiry which the court has to conduct is the resultant loss which the injury entails to the earning or income generating capacity of the claimant. Thus, loss of one leg to someone carrying on a vocation such as driving or something that entails walking or constant mobility, results in severe income generating impairment or its extinguishment altogether. Likewise, for one involved in a job like a carpenter or hairdresser, or machinist, and an experienced one at that, loss of an arm, (more so a functional arm) leads to near extinction of income generation. If the age of the victim is beyond 40, the scope of rehabilitation too diminishes. These individual factors are of crucial importance which are to be borne in mind while determining the extent of permanent disablement, for the purpose of assessment of loss of earning capacity.”

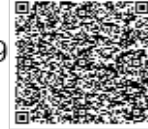
“20. Courts should not adopt a stereotypical or myopic approach, but instead, view the matter taking into account the realities of life, both in the assessment of the extent of disabilities, and compensation under various heads. In the present case, the loss of an arm, in the opinion of the court, resulted in severe income earning impairment upon the appellant. As a typist/data entry operator, full functioning of his hands was essential to his livelihood. The extent of his permanent disablement was assessed at 89%; however, the High Court halved it to 45% on an entirely wrong application of some ‘proportionate’ principle, which was illogical and is unsupportable in law. What is to be seen, as emphasized by decision after decision, is the impact of the injury upon the income generating capacity of the victim. The loss of a limb (a leg or arm) and its severity on that account is to be judged in



relation to the profession, vocation or business of the victim; there cannot be a blind arithmetic formula for ready application. On an overview of the principles outlined in the previous decisions, it is apparent that the income generating capacity of the appellant was undoubtedly severely affected. Maybe, it is not to the extent of 89%, given that he still has the use of one arm, is young and as yet, hopefully training (and rehabilitating) himself adequately for some other calling. Nevertheless, the assessment of disability cannot be 45%; it is assessed at 65% in the circumstances of this case.”

As already observed aforesaid, claimant-Mandeep Kaur has suffered serious multiple injuries, resulting into permanent disability to the extent of 100%. The last disability certificate has come on record and it categorically states about the claimant to be having *right side ‘hame paresis’* and also having severe speech disability and having 100% disability, which is not likely to recover.

Considering this kind of crippling condition of the appellant-claimant Mandeep Kaur, she had become dependent upon others for lifetime. This condition had completely devastated her body functionality. It is quite obvious that her youthful dreams, pertaining to her future hopes and growth in life, were completely snuffed out by the serious accident. The claimant’s impaired condition definitely has serious impact upon her chances of settlement in life. Rather, it has been completely negated. The permanent disability suffered by her, not only impaired her cognitive abilities and her physical facilities, but there are other quantifiable implications for the victim. The very fact that a healthy damsel, turned into an invalid, being deprived of normal companionship and incapable of leading a productive life, must have obviously made her suffer the loss of self-dignity also. The efforts must be made to substantially ameliorate the



misery of the claimant and recognize her actual needs by accounting for the ground realities. However, these measures have to be in correct proportions. As aptly held by the Hon'ble Supreme Court, in *Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77*, the 'just' compensation is adequate compensation and the Award must be just that-'**no less and no more**'. The plea of the victim suffering from a cruel twist of fate, when asking for some more, is not extravagant, but it is for seeking proportionate recompense, to negotiate with the unforeseeable and the fortuitous twists, in her impaired life. Therefore, while the money awarded by Courts can hardly redress the actual sufferings of the injured victim, the Courts can make a genuine attempt to help restore the self-dignity of such claimant, by awarding '**just compensation**'.

In this backdrop, considering the crippling condition of Mandeep Kaur-injured, it is quite obvious that there can never be any thought of the appellant-claimant to reverse back to the condition, both physical and mental, as existing prior to the accident in question and to be self-reliant and gainfully employed. It is in this scenario, the 'work on' of the compensation, has to be made. For this, it is necessary to take note of the fact that the claimant was 22 years old damsel, at the time of accident. She was pursuing M.Sc. and she had already cleared Semester-II examination, at the relevant time. Thus, she was well educated and therefore, considering her educational inputs, her earnings can conveniently be taken as Rs.10,000/- per month.

Considering her age, on the count of '**future prospects**', addition of 40%, ought to be made. Thus, the earnings of claimant are taken



Rs.10000+4000(40%)=Rs.14,000/- per month, annual whereof, comes to be Rs.1,68,000/-.

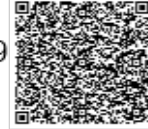
There has to be no deduction towards '**personal expenses**', on account of the case having been filed by the survivor of the accident with severe injuries, resulting into permanent disability. In this regard, beneficial reference is made to *Rahul Ganpatrao Sable vs. Laxman Maruti Jadhav (Dead) through LRs and others, 2023(3) RCR (Civil) 573*.

Looking at the age of claimant, the suitable multiplier, as per *Sarla Verma's case (supra)*, to be applied is '18'. While considering the disability to be 100%, the '**loss of income**' comes to be Rs.1,68,000x18=Rs.30,24,000/-.

It should be noted that various witnesses have been examined to prove bills and the expenditure incurred on purchase of medicines. Considering the same, learned Tribunal had appropriately granted an amount of Rs.6,30,000/-, towards '**medical expenses**'.

During the course of treatment undergone by claimant-Mandeep Kaur, obviously, mode of transport used, is bound to be a four-wheeler, which must have been hired or used their own vehicle. However, on the count of '**pain and suffering**' as well as '**transportation**', consolidated amount of Rs.2 lakh had been granted by learned Tribunal, which needs to be bifurcated. Considering the long hospitalization and the treatment still continuing, on the count of '**transportation**', an amount of Rs.2,00,000/- is granted.

Obviously, during the period of treatment and thereafter, the appellant-claimant must have been put on '**special rich diet**', for the healing



process. On this count also, another sum of **Rs.2,00,000/-** is granted.

On the count of '**attendant charges**', an amount of **Rs.2,00,000/-** has been granted by learned Tribunal. It has to be kept in mind that the disability suffered by the claimant is 100% and thus, she is unable to perform everyday activities and requires constant support, even for the confined life, she is forced to lead. On account of this crippling condition, the appellant-claimant is bound to be looked after by a bystander/attendant for all her movements. Consequently, bearing in mind, the need for assisted living, it is necessary to add the expenses for service of an attendant for the claimant. Even though, it is submitted that there is no material, as such, produced by the appellant-claimant, on actual expenses, incurred for the services of the attendant and it is argued that no further claim is merited under this head, but however, this submission is not tenable.

Considering the extent of disability suffered, besides the family members, the appellant-claimant, ought to have been looked after by one attendant throughout. Even if, the appellant-claimant is being looked after by her family members, then also, it should be noted that they could perform the role of care-giver, only by diverting their own time, from any form of gainful employment, which could have generated income. Rather, their resources and strength are bound to be stressed by the need to provide full time care to the claimant. For the appellant-claimant to constantly rely on them for stimulation and support, is also destined to cause emotional, physical and financial fatigue, for the family members. Considering the same, to quantify the expenses for the attendant, while making a conservative estimate, Rs.4,000/- per month, is bare minimum. Taking it to



be so, the annual expenses are worked upon as Rs.48,000/- and thus, applying the multiplier of ‘18’, the compensation, on the count of ‘**attendant charges**’ comes to be Rs.48,000x18=**Rs.8,64,000/-**.

After the accident, apart from having become physically invalid, claimant-Mandeep Kaur must have passed through a very traumatic state of mind, considering her career having been jeopardised, apart from the physical wreck befallen upon her. Thus, considering the same, on the count of ‘**pain and suffering**’, compensation to the extent of **Rs.4,00,000/-** is granted.

Claimant-Mandeep Kaur was young bright girl, at the time of taking place of the accident. She was doing post-graduation in Microbial and Food Technology. Considering the same, her chances of settlement and career graph are bound to be quite bright. Taking it to be so, obviously, her prospects of marriage, were also bound to be good. However, on account of having become crippled, the marriage prospects are near zero. Thus, on the count of ‘**loss of marriage prospects**’, another amount of **Rs.5,00,000/-** is granted.

Considering the crippling condition of claimant-Mandeep Kaur, for one reason or the other, throughout her life, recurring medical treatment is inevitable and bearing the same in mind, on the count of ‘**future medical expenses**’, an amount of **Rs.4,00,000/-** is granted.

Thus, on various counts, as detailed aforesaid, the compensation to be granted to appellant-claimant-Mandeep Kaur, is re-computed as herein given:-

1.	Loss of income	Rs.30,24,000
2.	Medical Bills	Rs.6,30,000/-



3.	Transportation	Rs.2,00,000/-
4.	Special rich diet	Rs.2,00,000/-
5.	Attendant charges	Rs.8,64,000/-
6.	Pain and suffering	Rs.4,00,000/-
7.	Loss of Marriage prospects	Rs.5,00,000/-
8.	Future medical needs	Rs.4,00,000/-
	Total	Rs.62,18,000/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.62,18,000-19,30,000=Rs.42,88,000/-**.

Now, let us consider the compensation awarded to appellant-claimant Ramandeep Singh. Even, he had suffered serious multiple injuries in the accident in question. From the educational certificate i.e. result-cum-detail marks card, Ex.P92, it is evident that date of birth of appellant-claimant Ramandeep Singh is 23.07.1992. As such, on the date of accident i.e. 07.06.2008, he was 16 years old. Also, it stands established that he was student of 10th class of Mukat Public School, Rajpura.

Sharanjit Singh Bhatia, father of claimant-Ramandeep Singh had stepped into witness box as PW-2. He deposed about the injuries sustained by Ramandeep Singh. He has also given the detail of the treatment undergone by Ramandeep Singh, on account of injuries sustained in the accident in question. He deposed about Ramandeep Singh to have been taken to A.P.Jain Hospital, Rajpura, wherefrom, he was shifted to Fortis Hospital, Mohali and then to NINS Hospital, Sector-34, Chandigarh.

Even, PW-5 Dr.Amandeep Singh of Gian Sagar Medical Hospital has been examined, who deposed about the extent of treatment



undergone by the claimant. Even, PW-6 Davinder Kumar had proved the disability certificate of Ramandeep Singh, which is Ex.P2. Therein, it is stated to be case of **head injury Rt. hemeplegia #shaft femur ® #humorous**. The disability was stated to be 100% and it was stated to be ‘**temporary for one year**’. Thereafter, again on 10.03.2010, re-assessment of the disability was done and it was held to be 80% and that too, ‘**temporary for one year**’.

Considering the recitals of the aforesaid disability certificates, proved in evidence and taking the disability to be ‘**temporary**’, the compensation awarded, on account of disability was Rs.1,50,000/-. The detail of the compensation worked upon, on various counts, as granted by learned Tribunal, qua the injuries sustained by claimant-Ramandeep Singh, is reproduced, as herein given:-

1.	Medical expenses	Rs.4,91,000/-
2.	Loss of education	Rs.1,00,000/-
3.	Loss of future life and marriage prospects	Rs.3,00,000/-
4.	Charges of attendant	Rs.1,50,000/-
5.	Pain, suffering and transportation	Rs.1,50,000/-
6.	Temporary disability	Rs.1,50,000/-
	Total	Rs.13,41,000/-

However, the aforesaid ‘**work on**’ of the compensation, do call for re-determination.

At the very outset, it is pertinent to mention that during the pendency of the appeal, this Court had ordered re-examination of the claimant by the doctors of PGIMER, Chandigarh and thereupon, the re-assessment of the disability was again conducted. As per the disability certificate dated 07.05.2014, which is coming on record, it was observed as



herein given:-

- “(a) He/she is diagnosed case of Head Injury.
- (b) He/she is a case of Multiple Disability. Extent of his/his permanent physical impairment/disability has been evaluated as per guidelines for the disabilities ticked below and shown against the relevant disability in the table below:-

Sr. Disability No.	Affected partDiagnosis of body	Physical/mental disability (%)
1. Locomotor disability@	Rt.Moderate Hemiparesis	50%
2. Low vision/Blindness		Nil
3. Hearing impairment		Nil
4. Mental retardation/illness	IQ-106	Nil
5. Others	Mild speech involvement	Nil
6. Total		50%

- (c) In the light of the above, his/her overall permanent physical/mental impairment as per guidelines** as follows:-

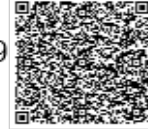
In figures 50% percent In words Fifty Percent

2. This condition is non-progressive/not likely to improve.
3. Reassessment of disability is:
- i) Not necessary”

Thus, the disability is stated to be **50%**, which is **permanent in nature.**

Considering the last disability certificate, which reflects about the injury to be not likely to improve, the re-assessment of the compensation, has to be made.

While being conscious of various factors, to be taken into consideration, while considering the extent of disability suffered by the claimant and impact of the same, on the functional disability, resulting in



loss of earning capacity, as observed in the earlier portion of the judgment, while dealing with the case of Mandeep Kaur, it has to be seen that qua the loss of earning capacity, compensation has to be granted, considering the age of the claimant, as well as the scope of growth in future.

From the evidence adduced, it stands established appellant-claimant Ramandeep Singh was student of 10th class, at the relevant time. Considering his educational inputs and also considering affluence of the family, his earnings can conveniently be taken as Rs.8,000/- per month.

Keeping in view the age of appellant-claimant Ramandeep Singh to be 16 years, at the relevant time, on the count of '**future prospects**', addition of 40%, ought to be made. Thus, the earnings of claimant is taken $\text{Rs.}8000 + 3200(40\%) = \text{Rs.}11,200/-$ per month, annual whereof, comes to be Rs.1,34,400/-.

The question of deduction of the compensation, on the count of '**personal expenses**' as observed earlier, is not called for.

Looking at the age of Ramandeep Singh to be 16 years, the suitable multiplier to be applied is '18'. The claimant, as observed aforesaid, had suffered '**locomotor disability**'. It was right moderate hemiparesis, which definitely, reduced the earning capacity. However, taking the same to be right moderate hemiparesis and there to be mild speech involvement, in any case, the restricting of the compensation to 50%, under the head of '**permanent disability**' is uncalled for. However, when there is mild speech involvement, in modest estimate, his functional disability, as such, is taken to be 75%. As such, the '**loss of earnings**' is assessed as $\text{Rs.}1,34,400 \times 18 \times 75/100 = \text{Rs.}18,14,400/-$.



Another amount of **Rs.4,91,000/-** is granted, as awarded by learned Tribunal, on the basis of the medical bills, proved in evidence.

However, on the same parameters, as considered in the case of claimant-Mandeep Kaur, on account of disability, claimant-Ramandeep Singh is bound to be not in a position to take care of himself and there is bound to be 'assisted living' for him also. Thus, on the count of '**attendant charges**', an amount of **Rs.5,00,000/-** is granted.

Considering the long hospitalization and the treatment still continuing, on the count of '**transportation**' an amount of **Rs.1,00,000/-** is granted.

Obviously, during the period of treatment and thereafter, the appellant-claimant must have been put on '**special rich diet**', for the healing process. On this count, also another sum of **Rs.2,00,000/-** is granted.

Claimant-Ramandeep Singh, on account of the injuries sustained, must have passed through a very traumatic state of mind, while considering his future to have been jeopardised, on account of injuries sustained. Considering the same, on the count of '**pain and suffering**', an amount of **Rs.2,00,000/-** is granted.

On account of medical ailment, the marriage prospects of claimant Ramandeep Singh have also drastically reduced. Thus, on the count of '**loss of marriage prospects**', another amount of **Rs.2,00,000/-** is granted.

Further, there is bound to be inevitable medical treatment required from time to time. Considering the same, on the count of '**future medical expenses**', an amount of **Rs.2,00,000/-** is granted.



Thus, on the various counts, the compensation ought to be granted to appellant-claimant-Ramandeep Singh, is re-computed as herein given:-

1.	Loss of income	Rs.18,14,400/-
2.	Medical Bills	Rs.4,91,000/-
3.	Attendant charges	Rs.5,00,000/-
4.	Transportation	Rs.1,00,000/-
5.	Special rich diet	Rs.2,00,000/-
6.	Pain and suffering	Rs.2,00,000/-
7.	Loss of Marriage prospects	Rs.2,00,000/-
8.	Future medical expenses	Rs.2,00,000/-
	Total	Rs.37,05,400/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.37,05,400-13,41,000=Rs.23,64,400/-**.

On the enhanced amount of the compensation, as now worked upon in both the appeals, the appellants-claimants shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the appeals, till realization of the enhanced amounts of compensation.

In view of the aforesaid observations, it is necessary to point out that cross-objections were filed by the insurance company, thereby assailing the compensation awarded to be on higher side, while taking the disability to be temporary. However, as observed aforesaid, the disability is permanent, in both the cases. Considering the same, there is no merit in the cross-objections filed in both the appeals.

Accordingly, the impugned Award dated 03.11.2010 stands



FAO-2278-2011 and connected cases

modified, to the extent, as indicated aforesaid. The remaining terms of the impugned Award, shall remain the same.

In view of the above observations, appeals i.e. **FAOs-2278 and 2279-2011** stand allowed, whereas cross-objections i.e. **XOBJCs-77 and 78-2011** stand dismissed.

The pending civil misc. applications, if any, shall stand disposed of.

March 05, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No