



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

FAO-748-1998

Date of Decision:11.05.2026

GUGAN SINGH (SINCE DECEASED) THROUGH HIS LRS.

...Appellant

Versus

GENERAL MANAGER, HY.ROADWAYS AND ANR.

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Jaskaran Singh Matharu, Amicus curiae
for the appellant.

Mr. Abhinav Mahant, AAG, Haryana.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the appellants/claimants being wife and children of injured-Gugan Singh (now deceased) who had suffered injuries in motor vehicular accident dated 06.11.1996, on account of rash and negligent driving by respondent No.2 while driving bus bearing registration No. HR-26A-1299.

2. Being aggrieved by the impugned award dated 02.01.1998, passed by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as 'Tribunal'), vide which the injured-claimant was found entitled to total compensation of Rs.36,300/-, the appellants-claimants are seeking enhancement of compensation awarded by the Tribunal as the same is not accordance with their entitlement.



3. Learned Tribunal had granted following compensation to the injured-claimant:-

Compensation awarded for 50% physical disability	Rs.33,000/-
Medical expenses	Rs.800/-
Pain and sufferings	Rs.1,000/-
Transportation charges	Rs.1,000/-
Other Misc. expenses	Rs.500/-
Total compensation awarded	Rs.36,300/-

4. It is the case of appellants/claimants that injured had suffered permanent disability to the extent of 50%. The disability certificate is Ex.P1 was duly proved by Laxman Singh, an official from the office of General Hospital, Rewari. Learned counsel for appellants/claimants asserted that on account of permanent disability the injured-claimant was not able to attend his duties for about eight months. It is also asserted that the injured-claimant had employed an attendant to look after him on daily wage of Rs.100/-. It is further asserted that the injured had incurred expenses on conveyance charges and the receipts vide marked documents and medical bills placed on record vide Ex.P-2 to P-11. However, except for self-serving oral assertions, no cogent and reliable evidence was placed on record by injured to prove expenses incurred by him were more than Rs.800/- as made out from Ex.P-2 to P-11.

5. Appellants/claimants deposed that the injured was employed with Haryana Roadways and was posted in Rewari depot, earning Rs.5,166/- per month as per salary certificate Ex.P-12. It is asserted that the learned Tribunal had erred in not taking the income of injured as per salary certificate for assessing loss of earning capacity suffered by injured on account of permanent disability.



6. Admittedly, injured was employee of respondent-Haryana Roadways. There is no rebuttal to salary certificate Ex.P-12. Keeping in view the salary certificate the income of injured is taken as Rs.5,166/-per month. Admittedly, the age of injured was 55 years at the time of accident multiplier of '11' for determining loss of earning capacity has to be applied. Keeping in view nature of permanent disability the functional disability is determined as 50%. For determining loss of earning capacity, appellants-claimants are also entitled to addition of future prospects to the extent of 15% being a permanent employee. Same is accordingly awarded. Appellant-claimants shall also be entitled to amount of Rs.26,000/- (round off) (Rs.5,166 x 5) towards loss of income suffered by injured during his treatment. Appellants-claimants are also entitled to enhanced compensation of Rs.20,000/- towards pain and sufferings, Rs.10,000/- for special diet, attendant charges, transportation and medical charges and grant of Rs.30,000/- for loss of future prospects and for loss of future amenities.

7. Accordingly, injured appellant-claimant is entitled to following compensation:-

Income	Rs.5,166/- per month (as per salary certificate)	Rs.5,166/- per month
50% Functional disability	50% of Rs.5,166/-	Rs.2,583/-
Future prospects	15% (2583+387)	Rs.2,970/-
Multiplier	11	11
Compensation for loss of earning capacity	Rs.2970 x 12 x 11	Rs.3,92,040/-
Compensation for pain and sufferings	Rs.1,000/- (by Tribunal)	Rs.20,000/-
Special diet, transportation,	Rs.2,500/- (by Tribunal)	Rs.10,000/-



attendant charges and medicines		
Compensation for loss of income during treatment	Rs.5,166/- x 5	Rs.26,000/- (rounded off)
Compensation for loss of future prospects and loss of future amenities		Rs.30,000/-
Compensation awarded by Tribunal	Rs.36,300/-	
Compensation awarded in appeal		Rs.4,78,040 /-
Enhancement of compensation	Rs.4,78,040/- (awarded in Appeal) – Rs.36,300/- (awarded by Tribunal)	Rs.4,41,740/-

8. Appellant-claimant shall be entitled to enhanced compensation along with 7.5% interest from date of filing claim petition till realization. The liability to pay compensation shall be as per the award. Appeal is allowed in above terms.

9. Pending application(s), if any, is/are disposed of accordingly.

(PARMOD GOYAL)
JUDGE

11.05.2026
Ravinder

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No