

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****FAO-1191-2005 (O&M)****Narender Dev Bhatara (deceased) thr LRs****. . . . Appellants****Vs.****Kabul Singh and Others****. . . . Respondents**********

Reserved on: 14.05.2026
Pronounced on: 15.05.2026
Pronounced fully/operative part: Fully

**********CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA**

Argued by:- Mr. Amardeep Singh Gill, Advocate
for the appellant.

Mr. G.S. Bal, Senior Advocate with
Mr. Avtar Singh, Advocate for
respondent No.1.

Mr. Gurpreet Singh Fateh, Sr. DAG, Punjab
for respondent No.4.

**********DEEPAK GUPTA, J.**

Present appeal has been preferred by the claimant seeking modification and enhancement of the award dated 29.09.2004 passed by learned Motor Accident Claims Tribunal, Jalandhar qua the quantum of compensation.

2. Brief facts of the case are that Shri Narender Dev Bhatara, the claimant, was a retired judicial officer of the State of Punjab. After retiring as Additional District and Sessions Judge, he served as President, District Consumer Disputes Redressal Forum, Jalandhar and retired therefrom on 12.07.2000. On 09.08.2000 at about 06:00 a.m., while he was on his routine morning walk, he was hit by Punjab Roadways Bus bearing registration No.PB-06B-3509, being driven by respondent No.1 in a rash and negligent manner. Af-



ter hitting the claimant, the offending bus also struck a police Head Constable namely Prem Singh son of Santokh Singh, who unfortunately died at the spot. The claimant suffered multiple grievous injuries including head injury, fractures of skull, ribs, hips and legs besides neurological complications. Matter was reported to the police.

3. In the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, it was pleaded that the claimant was drawing pension of about ₹12,000/- per month and had also been serving as President of the Consumer Forum. It was further pleaded that considering his long judicial experience, he intended to practice law after retirement and would have earned substantial professional income. It was further averred that because of the serious injuries suffered in the accident, the claimant remained hospitalized for a long duration, continued under treatment and became dependent upon attendants and physiotherapy.

4. Learned Tribunal, after appreciating the evidence available on record, returned a categorical finding that the accident had occurred due to rash and negligent driving of the offending bus. The said finding has attained finality. Compensation of ₹10,00,000/- was awarded under different heads including medical expenses, attendant charges, future treatment, disability and loss of income.

5. During pendency of the present appeal, the claimant expired on 18.03.2026 and his legal representatives were brought on record vide order dated 14.05.2026.

6. Learned counsel appearing on behalf of the appellants contends that the claimant had suffered devastating neurological and orthopedic injuries resulting in complete loss of mobility and independence and that he remained virtually bed-ridden and in a vegetative condition throughout his remaining life. It is submitted that although the medical disability was assessed at 60%, the functional disability in the facts and circumstances of the present case was ef-



fectively 100%. It is further argued that learned Tribunal erred in awarding a meager and composite amount under the heads of disability, pain and suffering and loss of amenities. Enhancement is also sought towards attendant charges and compensation for loss of enjoyment and expectancy of life.

7. Learned counsel for the respondents has not been able to seriously dispute the nature of injuries and prolonged suffering of the claimant and submits that appropriate orders may be passed in accordance with law.

8. This Court has considered the rival submissions and appraised the record with their able assistance.

9. The fact that the claimant suffered multiple grievous injuries including severe head injury with neurological impairment is fully established from the medical evidence available on record. The disability certificate assessed permanent disability at 60%. However, it is by now well settled that physical disability and functional disability are not necessarily identical concepts.

10. In *Raj Kumar v. Ajay Kumar (2011) 1 SCC 343*, the Hon'ble Supreme Court held that while assessing compensation in injury cases, the Tribunal is required to determine the actual impact of permanent disability on the earning capacity and day-to-day functioning of the victim and that percentage of permanent physical disability cannot mechanically be treated as equivalent to economic or functional disability.

11. In the present case, the claimant was not an ordinary retired person leading a sedentary life. He was a retired Additional District and Sessions Judge and had also served as President of the District Consumer Forum. The evidence on record establishes that because of the severe neurological and orthopedic injuries suffered in the accident, he became permanently dependent upon attendants and lost the ability to independently pursue any professional or personal activity. The record further reveals that he remained bed-ridden and in a severely incapacitated condition. As per Ld. Counsel, this condition continued till



his death in March, 2026. In such circumstances, this Court is of the considered opinion that the functional disability suffered by the claimant was, for all practical purposes, 100%.

12. It is undisputed that the claimant had crossed the age of 65 years at the time of accident. Therefore, the appropriate multiplier applicable in the present case would be '5'. Since the claimant was already receiving pension, the same could not strictly be treated as loss of income arising from disability. However, the contention raised on behalf of the appellants that the claimant, having immense judicial and legal experience, would have pursued legal practice and earned substantial professional income deserves acceptance to a reasonable extent.

13. Though the exact future income from legal practice cannot be mathematically determined, courts are empowered to make a reasonable and pragmatic assessment on the basis of surrounding circumstances and probabilities.

14. Having regard to the stature, experience and background of the claimant, notional monthly earning of ₹15,000/- is assessed for determining future loss of earning capacity. Thus, annual income comes to ₹1,80,000/- and by applying multiplier of '5' with 100% functional disability, compensation under the head of future loss of earning capacity is assessed at ₹9,00,000/-.

15. Apart from above, compensation under the Motor Vehicles Act is required to be "just compensation" and cannot be confined to mere mathematical calculations. In cases involving permanent neurological impairment, courts are required to take a broad and humane view of the matter.

16. In ***R.D. Hattangadi v. Pest Control (India) Pvt. Ltd. [1995 SCC (1) 551]***, the Hon'ble Supreme Court held that while awarding compensation in personal injury cases, damages are required to be assessed not only for pecuniary losses but also for non-pecuniary damages such as pain and suffering, loss of



amenities, loss of expectation of life and inability to enjoy normal comforts of life.

17. Keeping in view the age, stature and legal background of the claimant and the complete destruction of his independent and meaningful life after the accident, this Court finds that learned Tribunal inadequately compensated the claimant under the non-pecuniary heads.

18. Learned Tribunal awarded a consolidated amount of ₹1,00,000/- towards disability, pain and suffering and loss of amenities. Such clubbing together of distinct heads of compensation is not in consonance with settled principles governing award of just compensation. Pain and suffering, loss of amenities and disability constitute separate heads requiring independent consideration.

19. The claimant had suffered severe trauma, prolonged hospitalization, continuous medical treatment and irreversible physical and neurological impairment. He remained bed-ridden and dependent upon others for day-to-day activities for the remainder of his life. Therefore, compensation awarded by the Tribunal under non-pecuniary heads deserves substantial enhancement.

20. Accordingly, the amount of 1,00,000/- awarded by the Tribunal is treated as compensation towards pain and suffering alone. In addition thereto, a further amount of 2,00,000/- is awarded towards loss of amenities of life, loss of enjoyment of life and loss of expectancy.

21. Learned Tribunal has already awarded substantial amount towards medical treatment, future medical expenses, physiotherapy and attendant charges. However, keeping in view the status of the claimant, his prolonged dependency and the requirement of constant assistance throughout his remaining life, this Court finds it appropriate to award an additional amount of ₹1,00,000/- towards driver-cum-attendant charges.



22. Consequently, the enhanced compensation payable to the appellants is re-worked as under:

Head of Compensation	Amount (₹)
Future loss of earning capacity	9,00,000/-
Loss of amenities of life and loss of expectation of life	2,00,000/-
Additional attendant/driver charges	1,00,000/-
Total Enhanced Compensation	12,00,000/-

23. Consequently, the present appeal is partly allowed. Over and above the amount already awarded by the Tribunal, the appellants shall be entitled to enhanced compensation of ₹12,00,000/- along with interest @ 7.5% per annum from the date of filing of the claim petition till realization. The liability to satisfy the award shall remain joint and several upon the respondents.

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

(DEEPAK GUPTA)
JUDGE

15.05.2026

Neetika Tuteja

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No

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