

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

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Date of decision : 25.03.2026

1. FAO-5246-2005 (O&M)

Ravinder

..... Appellant

versus

Hukam Singh and others

..... Respondents

2. FAO-4337-2005 (O&M)

M/s. Oriental Insurance Co. Ltd.

..... Appellant

versus

Ravinder and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: None for the appellant.

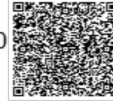
None for respondent No.1.

Mr. Sehaj Mahajan, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. These are cross appeals filed against the order dated 21.06.2005 passed by the Commissioner under the Workmen's Compensation Act, 1923.

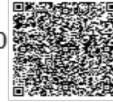
2. Injured-claimant filed claim petition under Section 22 of the Workmen's Compensation Act, 1923 on account of permanent disability suffered by him on account of accident arising out of and during the course of employment. Claimant who was employed as driver with respondent No.2 Hukam Singh suffered injuries in a motor vehicular



accident dated 16.05.2000. As per the record, he was rendered permanently disabled to the extent of 10%. Owing to the injuries, his knee movement was restricted and he was rendered incapable of driving the vehicle. Accordingly, the Commissioner held that the claimant having been rendered incapacitated of pursuing his avocation, the compensation needs to be assessed taking into consideration his 100% functional disability and awarded compensation of Rs.2,65,640/- as per the formula prescribed under the statute.

3. Counsel for the insurance company submits that the Commissioner erred in converting 10% permanent disability of the claimant into 100% functional disability without there being any evidence. He submits that under issue No.2, a specific finding was recorded that the claimant lost his 10% earning capacity, whereas while returning finding on issue No.3, the compensation has been awarded taking his disability as 100%. The argument raised though appears to be attractive at the first blush, but *sans* merit. It has come on record that owing to the disability suffered by the claimant, though the medical experts assessed his permanent disability as 10%, but his knee movement has been gravely affected. The same has rendered him incapacitated from driving the vehicle. The medical expert, i.e. Dr. Virender Nagpal, Orthopaedic Surgeon who appeared as AW1, testified that the claimant would not be able to drive heavy vehicle.

4. In view thereof, this Court finds that the Commissioner rightly awarded compensation taking into consideration the functional disability of the claimant. Reference can be made to ratio laid down by 04 Judges Bench in ***Pratap Narain Singh Deo vs. Srinivas Sabata***



(1976) 1 SCC 289, further followed in *Indra Bai vs. Oriental Insurance Company Ltd. and another (2023) 8 SCC 217*.

5. In view of above, this Court finds no merits in the appeal preferred by the insurance company i.e. FAO-4337-2005. The same is ordered to be dismissed.

6. The claimant is also in appeal seeking enhancement of compensation. The only enhancement that can be ordered is with respect to the statutory interest. The claimant is entitled for interest as contemplated under Section 4A of 1923 Act. Accordingly, the impugned order is modified to the extent that on the compensation amount of Rs.2,65,640/- the claimant shall also be entitled for interest @ 12% per annum for the period commencing from 30 days after the date of accident, i.e. 30 days after 16.05.2000 till the date of actual realization.

7. With the aforesaid modification in the impugned award, appeal, i.e. FAO-5246-2005 is disposed off.

8. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

9. A photocopy of this order be placed on the file of other connected case.

(PANKAJ JAIN)
JUDGE

25.03.2026

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No