



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

148

FAO-3913-2025 (O&M)

Date of decision :12.01.2026

DAYA CHAND

...APPELLANT

VERSUS

FUTURE GENERAL INDIA INSURANCE COMPANY LIMITED AND
OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Sarfaraj Anjum Mor, Advocate
for the appellant.

PARMOD GOYAL, J. (ORAL)**CM-12112-CII-2025**

This is an application for condonation of delay of 55 days in filing
the present appeal.

For the reasons mentioned in the application, the same is allowed
and the delay of 55 days in filing the present appeal, is hereby condoned.

Main Case

1. The appellant/claimant is aggrieved by the award dated 02.01.2025
passed by Motor Accident Claims Tribunal, Gurugram (hereinafter referred to as
“Tribunal”), vide which compensation amounting to Rs. 15,23,680/- was granted
on account of injuries sustained by him in the accident dated 02.08.2021 on
account of rash and negligent driving by respondent No.1, while driving offending
vehicle bearing registration number HR-55AC-2541.

2. Learned Tribunal granted following compensation to the
appellant/claimant:



1.	Medical Expenses	Rs.25,000/-
2.	Special diet	Rs.10,000/-
3.	Transportation charges	Rs.20,000/-
4.	Attendant charges	Rs.65,000/-
5.	Loss of future earning on account of permanent disability	Rs. 14,08,680/-
2.	Loss of amenities, expectation of life, pain and sufferings, loss of consortium	Rs.50,000/-
Total		Rs.15,23,680/-

3. The facts of the case are not in dispute. Issue No.1 was decided in favor of the appellant/claimant, and no appeal has been filed by the respondents, thus the decision on that issue has attained finality. The only matter which arises for consideration in the present appeal is the quantum of compensation.

4. Learned counsel for the appellant-claimant contends that the income of the appellant- claimant to the tune of Rs.21,550/- taken by the learned Tribunal is on the lower side keeping in view 40% permanent disability suffered by the appellant-claimant.

5. Admittedly, PW-4 Dr. Vikram Dagar has proved the disability certificate Ex. P.11 which showed that the appellant/claimant suffered 40% permanent disability qua fracture of right leg. The functional disability of the appellant/claimant was assessed by the learned Tribunal to the extent of 30%. Learned Tribunal has taken income of claimant to Rs.21,550/- as pleaded by claimant on the basis of his salary slip Ex.P/10, therefore, the argument that the learned Tribunal has taken income of injured on the lower side is without any basis. The income pleaded by claimant has been taken in totality by learned Tribunal. It is further worth noticing that appellant was serving in private sector



and had stopped working with employer after his accident, even then the learned Tribunal has added 30% towards future prospects and has taken total income for loss of earning capacity as Rs.27,950/-. No fault with the approach of learned Tribunal can be found in view of the fact that injured was 42 years old and working in a private firm. The approach of learned Tribunal in taking functional disability to be 30% again is without any defect. The total 40% disability was qua right leg. Learned Tribunal has duly taken into consideration age of injured, fact that he was working as a technician in a garage, that claimant had stopped working in the garage after the accident and 40% permanent disability was qua right leg and after taking all above noted facts concluded functional disability to the extent of 30% qua full body. The functional disability as determined by Tribunal in the facts and circumstances of the present case cannot be held to be on lower side. Therefore, there is no scope of interference with the conclusion drawn by learned Tribunal. The compensation under all other heads cannot be held to be on the lower side and has been given keeping in view nature of injuries, extent of permanent disability, period of treatment etc. Compensation so awarded is just and sufficient.

6. In these circumstances, compensation awarded by Learned Tribunal cannot be considered inadequate. The compensation granted is just and reasonable.

7. Accordingly, the appeal is dismissed.

8. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

12.01.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No