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

FAO-3870-2019 (O&M)

Date of Decision:12.05.2026

SANJAY KUMAR

...Appellant

Versus

ANAND GOPAL AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. V. B. Aggarwal, Advocate and
Mr. Vivek Aggarwal, Advocate
for the appellant.

Mr. Sandeep Suri, Advocate
for respondent No.3-Insurance Company.

PARMOD GOYAL, J. (ORAL)

CM-13218-CII-2019

For the reasons mentioned in the application for condonation of delay of 47 days in filing the appeal, same is allowed and the delay in filing the appeal, is hereby condoned.

Main case

Present appeal has been preferred by the injured appellant/claimant being aggrieved by award dated 26.10.2018 passed by learned Motor Accident Claims Tribunal, Kaithal (hereinafter referred to as “Tribunal”), vide which compensation of Rs.3,35,538/- was awarded to the injured appellant/claimant on account of injuries suffered by him in accident dated 10.06.2012 caused due to the rash and negligent driving of respondent No.1 while driving car bearing registration No.HR-07-B-9045.

2. Following compensation was awarded by learned Tribunal to



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the injured appellant/claimant:-

Pain and sufferings	Rs.50,000/-
Hospitalization	Rs.45,000/-
Attendant charges	Rs.25,000/-
Loss of income	Rs.40,000/-
Transportation charges	Rs.20,000/-
Medical expenses	Rs.1,55,538/-
Total compensation awarded	Rs.3,35,538/-
Interest	9% with yearly rest

3. Injured appellant-claimant being dissatisfied with the compensation awarded by learned Tribunal, has sought enhancement of compensation on account of pain and sufferings and non-grant of compensation for special diet.

4. Learned counsel for respondent No.3-insurance company, however, has contested the appeal. It is asserted that learned Tribunal has already awarded excessive compensation as there is no justification and provision to grant Rs.45,000/- towards hospitalization which has been granted by the learned Tribunal. It is also asserted that 9% compound interest has been awarded, which is against the provisions of law. Learned Tribunal ought to have awarded simple interest on the compensation so awarded.

5. On consideration, I find that the compensation awarded by learned Tribunal cannot be held to be insufficient or deficient. In fact, learned Tribunal has awarded the compensation in a very liberal manner based upon its own assumptions and presumptions. Admittedly, in the present case, no permanent disability has been suffered by injured appellant-claimant. All the bills placed on record by the injured appellant-claimant before the learned Tribunal showing expenses on medical treatment amounting to Rs.1,55,538/- was duly granted.



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6. Injured appellant-claimant had suffered fracture of inter-condylar Tibia right, learned Tribunal has rightly noticed from Ex.PP, that for said injury, open reduction and internal fixation and plating was also done.

7. Keeping in view the nature of injuries, compensation towards pain and sufferings was granted to the extent of Rs.50,000/-. Rs.40,000/- was taken as loss of income without noting the actual income being earned by injured appellant-claimant and without noting for how much time injured appellant-claimant had remained out of work.

8. In the present case, no appeal or counter-claim has been preferred by any of the respondents. Though there was a scope to reconsider the quantum of compensation in the facts and circumstances of the present case, however, in absence of any counter-claim and appeal, I deem it appropriate not to interfere in the award. There is no scope of enhancement and merit in the present appeal. Appeal is accordingly, dismissed.

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

12.05.2026
Ravinder

(PARMOD GOYAL)
JUDGE

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