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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104 **Date of decision: 20.04.2026**

1. FAO-1804-2003

RAM KUMAR ....Appellant

Versus

RANDHIR SINGH AND ANOTHER ...Respondent

2. FAO-1805-2003

KAMLA ..... Appellant

Versus

RANDHIR SINGH AND ANOTHER ..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Sukhdev Singh, Advocate,
Mr. Vikram Singh, Advocate and
Mr. Simranpreet Singh, Advocate
for the appellants.

Respondents ex parte before the Tribunal.

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YASHVIR SINGH RATHOR. J.(Oral)

1. This judgment shall dispose of aforesaid two appeals which have been instituted against the Award dated 06.02.2003.

2. These two appeals have been instituted against the Award dated 06.02.2003 passed by Motor Accident Claims Tribunal, Karnal (**for short "Tribunal"**) in the petitions under Section 166 of Motor Vehicles Act, 1988, filed by the appellants seeking enhancement of compensation on account of injuries suffered by Ram Kumar and Kamla in a motor vehicular accident which took

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place due to the rash and negligent driving on the part of respondent No.1 while driving the offending vehicle No.DL-4-CD-0833 (**hereinafter referred to as offending vehicle**) which is owned by respondent No.2.

3. Claim petition No.191 of 1999 in **FAO-1804-2003**, titled 'Ram Kumar Vs. Randhir Singh and another', was instituted by the claimant-Ram Kumar for grant of compensation on account of injuries suffered by him in the aforesaid accident.

4. Claim petition No.190 of 1999 in **FAO-1805-2003**, titled 'Kamla Vs. Randhir Singh and another', was instituted by the claimant-Kamla, for grant of compensation on account of injuries suffered by her in the aforesaid accident.

5. From the pleadings of parties, following issues were framed by learned Tribunal in **MACT Case No.191-1999**:-

> *1) Whether the claimant Ram Kumar sustained injuries on his person in a roadside vehicular accident which had occurred on 7.10.99 in the area of police station Butana on account of rash or negligent driving of Matador No.DL-4CD-0833 by respondent No. 1 Randhir Singh? OPP*
>
> *2) Whether the claimant is entitled to be compensated for the injuries suffered by him in the above accident. If so, to what extent and from whom? OPP*
>
> *3) Relief.*

6. The following issues were framed by learned Tribunal in the **MACT Case No.190 of 1999**:-

> *1) Whether the claimant Kamla Devi sustained injuries on her person in a roadside vehicular accident which had occurred on 7.10.99 in*

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the area of police station Butana on account of rash or negligent driving of Matador No. DL-4CD-0833 by respondent No.1 Randhir Singh ?OPP

2) Whether the claimant is entitled to be compensated for the injuries suffered by her in the above accident. If so, to what extent and from whom? OPP

3)Relief.

7. Thereafter, the parties led evidence in support of their case.

8. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.58,000/- in MACT Case No.191 of 1999 as compensation for the injuries suffered by Ram Kumar and Rs.9,000/- as compensation in MACT Case No.190 of 1999 for the injuries suffered by Kamla along with interest @ 12% per annum from the date of filing of the claim petitions till realization payable by respondents jointly and severally.

9. Feeling aggrieved, the appeals in hand have been preferred. The material on file has been perused and parties have been heard.

10. The only issue required to be determined in the present appeals relates to the assessment of compensation. Therefore, the entire facts regarding the manner of the accident are not required to be reproduced in detail, as the Tribunal has already held under issue No.1 that the accident had occurred due to the rash and negligent driving on the part of respondent No.1, while driving offending vehicle and owned by respondent No.2 and they are liable to pay the compensation. No appeal or cross-objections have been filed by respondents, challenging the said finding and accordingly finding on issue No.1 is not required

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to be interfered with.

11. In FAO-1804-2003, learned counsel for the appellant argued that the impugned award vide which compensation has been awarded is based on conjectures and surmises and is liable to be set aside and enhanced amount of compensation should be awarded. Learned counsel further contended that no future prospects have been added to the monthly income of the deceased, contrary to the settled provisions of law. The multiplier of 15 has to be applied instead of 12 as applied by the Tribunal. No appropriate compensation has been awarded under the head of pain and sufferings and expenses incurred on treatment. Learned counsel further argued that a meagre amount of Rs.3,700/- has been for the expenses incurred on treatment, for transportation and special diet and no compensation has been awarded for arranging an attendant. Learned counsel further argued that compensation be suitable enhanced.

12. In FAO-1805-2003, learned counsel for the appellant argued that the Tribunal has not appreciated the facts of the case and evidence on file in the correct perspective while awarding a lump sum amount of Rs.9,000/-, which is grossly inadequate. The compensation has not been awarded under the pecuniary and non-pecuniary damages as per settled law and the compensation is thus liable to be enhanced.

13. In support of his contentions, learned counsel for the appellants has relied upon **2014 (1) RCR (Civil) 914 Sanjay Verma Vs. Haryana Roadways,** 2009(6) SCC 121 **Sarla Verma and others Vs. Delhi Transport Corporation**

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and Another, 2017 (16) SCC 680 National Insurance Co. Ltd Vs. Pranay Sethi and Other.

14. It is pertinent to mention that the record of the present appeal and the Tribunal has got burnt in a fire incident in the High Court Registry and the present appeal has to be decided on the basis of the facts and evidence discussed by the Tribunal in the impugned Award.

<u>Compensation in FAO-1804-2003, Ram Kumar Vs. Randhir Singh and another, arising out of MACT Case No.190 of 1999:-</u>

15. The law is well settled that the compensation to be awarded for injuries suffered by victim in a motor vehicular accident should be just and equitable. Courts have consistently held that while money cannot erase the pain, suffering, or trauma but it is the only legal means to provide restitution and restore the victim to his previous position as far as possible for which 'just compensation' has to be assessed. It is also well settled that while it is impossible to fully compensate for the loss of limb, life, or quality of life, the compensation must be 'Just', meaning thereby, that it should be fair, reasonable, and equitable based on the evidence and not merely a 'Windfall' or a 'Pittance'. The core objective is to put the injured/victim in the same position he would have been if the accident had not taken place, to the extent money can do so. This approach ensures that the law provides a realistic recompense for the trauma endured, rather than just providing normal relief.

16. Claimant while appearing as PW3 deposed that he was taken to CHC Nilokheri immediately after the accident from where he was shifted to General

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Hospital, Karnal and thereafter, to PGI Chandigarh, where he remained admitted for 10-11 days. He claimed to have spent about Rs.1,00,000/- on his treatment and further stated that his treatment is still going on. He used to work as a milk vendor but now he cannot pursue his avocation on account of injuries sustained by him. He tendered in evidence MLR Mark-A which shows that he had sustained one wound besides multiple abrasions and contusions on his body. He also remained admitted in PGI, Chandigarh from 09.10.1999 to 16.10.1999 as mentioned in the discharge and follow up card Ex.P7.

17. In addition to this, he led in evidence receipts/cash memos Ex.P8 to Ex.P10, Ex.P16 to Ex.P25 from which it is established that he had spent Rs.2,100/- on his treatment and medication.

18. Claimant also led in evidence disability certificate Ex.P6, according to which, he suffered permanent disability to the extent of 15% on account of stiffness in his left shoulder.

19. Tribunal held that claimant had suffered fracture in his left shoulder and awarded him a sum of Rs.5,000/- towards pain and sufferings. However, in my considered opinion, the compensation under the head pain and sufferings is grossly inadequate. It is a matter of common knowledge that fracture in the shoulder takes a long time to heal and in view of severity of injuries, claimant is held entitled to a sum of **Rs.15,000/-** towards **pain and sufferings**.

20. To assess compensation on account of permanent disability suffered by him, the Tribunal has held that he had suffered fracture in his left shoulder and he has suffered 15% permanent disability on account of stiffness in his left

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shoulder. The claimant alleged that he used to sell milk and used to earn Rs.10,000/- per month but no cogent and convincing evidence was led in this regard and the Tribunal assessed his monthly income to be Rs.2,000/- per month. The Tribunal further observed that taking into consideration his disability certificate Ex.P6, the earning capacity of the claimant would have been slashed by 15% and after taking his income to be Rs.2,000/- per month, it was held that he will suffer Rs.300/- per month and a sum of Rs.3,600/- annually and after applying multiplier of 12, he was awarded a sum of Rs.42,200/- as compensation for loss of income due to permanent disability. The claimant was 40 years of age and he will have to remain with this disability throughout his life and it will certainly diminish his earning capabilities and the avocation or profession he will pursue. The compensation under the head 'loss of income' thus has to be assessed keeping in view the percentage by which his earning capability has diminished and by applying a suitable multiplier in view of law laid down by Hon'ble Supreme Court in 2010(4) PLR 242 **Yadava Kumar Vs. The Divisional Manager, National Insurance Company Limited**.

21. Besides this, Hon'ble Supreme Court in 2013 (3) RCR (Civil) 934 - **G.Ravindranath @ R. Chowdary Vs. E. Srinivas and another**, has held that in a case of accident resulting in injuries to the victim, the compensation in personal injury cases should be determined under the following heads:-

Pecuniary damages (Special damages)

(i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing expenditure. food and miscellaneous

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(ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:

(a) Loss of earning during the period of treatment;

(b) Loss of future earnings on account of permanent disability

(iii) Future medical expenses.

Non-pecuniary damages (General damages)

(iv) Damages for pain, suffering and trauma as a consequence of the injuries.

(v) Loss of amenities (and/or loss of prospects of marriage).

(vi) Loss of expectation of life (shortening of normal longevity).

In routine personal injury cases, compensation will be awarded under heads (i), (ii) (a) and (iv) It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant that compensation will be granted under any of the heads (ii) (b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life.

22. The claimant was 40 years of age. The accident had taken place in the year 1999 and the Tribunal has rightly assessed the income of the claimant as Rs.2,000/- per month. Accordingly, the income of the claimant is taken as Rs.2,000/- per month. However, no future prospects have been added by the Tribunal. Since, claimant was 40 years of age on the date of accident, 40% of amount has to be added to his monthly income towards future prospects in view of law laid down in **Sanjay Verma's case (supra)** and **Pranay Sethi's case (supra)**

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and after adding the same, his monthly income comes out to **Rs.2,800/- per month (Rs.2,000/- + Rs.800/-)**.

23. Claimant has suffered permanent disability to the extent of 15% and the monthly loss of income will thus comes out to **Rs.420/- (Rs.2,800/- X 15%)** and annual loss of income will comes out to **Rs.5,040/- per annum (Rs.420/- X 12)**.

24. The claimant was 40 years of age and in view of law laid down in **Pranay Sethi's case (supra)** and **Sarla Verma's case (supra),** the multiplier of 15 has to be applied instead of 12 as applied by the Tribunal. After applying the same, the loss of income comes out to **Rs.75,600/- (Rs.5,040/- X 15)** due to permanent disability.

25. Claimant has also led in evidence cash memos/bills from which it is established that he had spent Rs.2,100/- on his treatment. However, it is a matter of common knowledge that all the bills are not preserved by the family members whose primary concern is to take care of the patient and some amount of guesswork has to be applied in assessing the expenses incurred on treatment. In view of the nature of injuries, at least a sum of Rs.5,000/- must have been spent by the claimant on his treatment and accordingly, he is held entitled to sum of Rs.5,000/- towards **expenses incurred on treatment**.

26. In view of the severity of injuries, it must have taken at least 3 months for the injuries to heal instead of 2 months as assessed by the Tribunal. During this period, claimant would not have been able to do any work and accordingly, he is held entitled to a sum of **Rs.6,000/- (Rs.2,000/- X 3)** on account

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of '**loss of income during the period of treatment**'.

27. During this period of 3 months, he must have engaged an **attendant**, spent some amount on **transportation** and on **special diet**. Accordingly, claimant is held entitled to a sum of **Rs.10,000/-** under these heads.

28. The claimant has suffered 15% of disability due to stiffness on his left shoulder. Accordingly, the claimant is held entitled to a sum of **Rs.10,000/-** on account of '**loss of amenities**'.

29. Accordingly, the compensation to be awarded to the appellants/claimants is assessed as under:-

Sr. No.	Head of Compensation	Amount Awarded (₹)
1.	Loss of income due to permanent disability	75,600
2.	Loss of income during treatment for a period of 3 months	6,000
3.	Attendant charges, transportation & special diet	10,000
4.	Pain and sufferings	15,000
5.	Loss of amenities	10,000
6.	Expenses incurred on treatment	5,000
	Total Compensation	**1,21,600**
	Interest	**9%**

30. Accordingly, enhanced compensation payable to claimant comes to **Rs.63,600/- (Rs.1,21,600/- - Rs.58,000/-)**.

<u>Compensation in FAO-1805-2003, Kamla Versus Randhir Singh And another, arising out of MACT Case No.191 of 1999</u>

31. Claimant Kamla Devi while appearing as PW5 deposed that she had suffered injuries in the accident and was shifted to CHC Nilokheri for her

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treatment from where she was referred to General Hospital, Karnal. She deposed that she remained admitted at Karnal for 15-16 days and spent Rs.80,000/- on her treatment. As per her MLR Mark-B, she had received multiple contusions, abrasions and wounds. She also tendered receipts/cash memos Ex.P34 to Ex.P41 to show that she had spent Rs.1,600/- in purchasing medicines.

32. However, the Tribunal observed that she has suffered simple injuries and has not suffered any fracture or permanent disability. No evidence was also led to established that she remained hospitalized for 15-16 days as deposed by her. In view of nature of injuries, she was awarded a lump sum compensation of Rs.9,000/- on account of minor injuries suffered by her in the accident which in my opinion has been properly assessed and adequate compensation has been awarded to her. As such, no ground to interfere in the award or to enhance the amount is thus made out.

33. As a result of aforesaid discussion, the appeal bearing No.FAO-1804-2003 is partly accepted with costs and appeal bearing No.FAO-1805-2003 is hereby dismissed with costs.

34. In **FAO-1804-2003**, appellant is held entitled to a sum of **Rs.63,600/-** as enhanced compensation over and above the compensation awarded by the Tribunal along with interest at the rate of 9% per annum from the date of filing of claim petition i.e. 22.11.1999 till realization payable by the respondents on the same terms as ordered by the Tribunal.

35. Registry is directed to email the authenticated copy of the award to the respondent Insurance Company in terms of directions issued by the Hon'ble

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Supreme Court in Writ Petition (Civil) No.534 of 2020 titled **Bajaj Allianz General Insurance Company Versus Union of India and others,** decided on 16.03.2021 and Insurance Company shall comply with the directions as issued under Clause (F) of the said judgment.

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

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

(YASHVIR SINGH RATHOR)
JUDGE

20.04.2026
Vishal Vardhan

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No