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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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FAO-457-2018 (O&M)
Date of decision: 14.05.2026

VIKRAMJIT SINGH

....Appellant

Versus

KRISHAN LAL AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Tejeshwar Singh Sullar, Legal Aid counsel for the appellant.

Mr. R.C. Kapoor, Advocate and
Mr. Paul S. Saini, Advocate for respondent No.3.**YASHVIR SINGH RATHOR. J.(Oral)**

1. This appeal has been instituted against the Award dated 01.08.2017 passed by MACT, Yamuna Nagar, Jagadhri (**for short "Tribunal"**) for enhancement of compensation awarded in claim petition No.121 of 2015 in a petition under Section 166 of Motor Vehicles Act, 1988 vide which a sum of Rs.5,01,000/- has been awarded as compensation to the claimant along with interest @ 7.5% per annum due to injuries suffered by him in a motor vehicular accident which took place on 01.04.2015, on account of rash and negligent driving by respondent No.1, while driving offending vehicle bearing No.HR67A-4127 (**for short 'offending vehicle'**), owned by respondent No.2, which was insured with respondent No.3.

2. From the pleadings of parties, following issues were framed by the learned Tribunal:-

1. *Whether the accident in question causing injuries to petitioner Vikramjeet Singh, took place due to rash and negligent driving of truck bearing registration No.HR67A-4127. Driven by respondent*



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No.1?OPP.

2. If issue no.1 is proved, to what amount of compensation the claimant would be entitled to and from whom?OPP.

3. Whether the truck in question was being driven in violation of terms and conditions of the insurance policy? If so, to what effect?

OPR-3

4. Relief.

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

4. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.5,01,000/- as compensation to the claimant alongwith interest @ 7.5% per annum from the date of filing of claim petition till realization.

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

6. The only issue required to be determined in the present appeal 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 bearing No.HR67A-4127, which was owned by respondent No.2 and insured with respondent No.3. No appeal or cross-objections have been filed by the respondents, challenging the said finding and accordingly, finding on issue No.1 is not required to be interfered with and the same is affirmed.

7. Learned counsel for the appellant argued that the impugned award vide which compensation of Rs.5,01,000/- has been awarded is based on conjectures and surmises and is liable to be modified and enhanced amount of



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compensation should be awarded. Claimant had suffered fracture of left orbit with fracture left maxillary sinus and he suffered 10% temporary disability but the compensation awarded is meagre. Learned counsel further argued that adequate compensation has not been awarded under pecuniary and non-pecuniary heads and same is liable to be enhanced.

9. On the other hand, learned counsel for respondent No.3 argued that the award in question is adequate, well reasoned and justified. The material on file has been appreciated in the correct perspective while assessing the compensation and no interference in the same is thus called for.

10. 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.

11. 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



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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

(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.

12. As per version of claimant as stated by him while appearing as PW7, he had suffered multiple injuries in the accident. He was a truck driver and used to earn Rs.50,000/- per month. He has spent more than Rs.5 lakhs on his transportation, treatment and special diet etc. To prove the expenses incurred on



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the treatment, claimant has examined PW1-Atul Nanda, PW3-Dr. Abhishek Parsad and he also tendered bills Ex. P15 to Ex. P20 and learned Tribunal after going through the hospital bills, bill Ex. P3 and other documents placed on file, held that claimant has spent **Rs.4,02,155/-** on his treatment. As such, the compensation has been duly assessed on account of expenses incurred on treatment on the basis of evidence led on file and there is no scope for further enhancement.

13. To prove the nature of injuries, claimant has also examined PW2-Dr. Manju Singh, who deposed that the patient was admitted in their hospital in emergency and she tendered the primary treatment record Ex. P2. PW3-Dr. Abhishek Parsad, deposed that patient remained in their hospital from 02.04.2015 to 15.04.2015 and he was operated upon for fracture of femur with open reduction and nailing was done on 04.04.2015. The CT scan record placed on file is also to the same effect and it further shows that there was small hemorrhage inside the brain and fracture of left orbit with fracture left maxillary sinus. The Tribunal has awarded him only a sum of Rs.40,000/- towards pain and sufferings, which in my opinion is grossly inadequate. The Tribunal has failed to notice the severity of injuries suffered by claimant, the pain and sufferings and trauma of accident and accordingly, he is held entitled to a sum of **Rs.1,00,000/-** on account of **pain and sufferings.**

14. It must have taken at least 04 months for the injuries to heal. The accident had taken place on 01.04.2015. The claimant was a truck driver by profession and it can be assumed that he must be earning at least Rs.15,000/- per month. During this period of 04 months, he would not have been able to do any work and he is accordingly held entitled to a sum of **Rs.60,000/-** on account of



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loss of income during the period of treatment.

15. He must have also engaged an attendant during this period and spent some amount on transportation as well as on nutritious diet. Accordingly, claimant is held entitled to a sum of **Rs.25,000/- for engaging an attendant, Rs.25,000/- for nutritious diet and Rs.20,000/- for transportation charges.**

16. As per testimony of PW6-Dr. Anuj Mangla, claimant had suffered 10% temporary disability and he has categorically deposed that the disability is likely to improve and re-assessment can be done after one year. Tribunal awarded him a sum of **Rs.5,000/- on account of the said disability.** Since the disability was temporary, no further enhancement can thus be granted.

17. Resultantly, the compensation to be paid to claimant is assessed as under:-

Sr. No.	Head of Compensation	Amount Awarded
1.	Medical and treatment expenses	Rs.4,02,155/-
2.	Pain and suffering	Rs.1,00,000/-
3.	Loss of income during treatment period (4 months @ Rs.15,000/- per month)	Rs.60,000/-
4.	Attendant charges	Rs.25,000/-
5.	Nutritious diet	Rs.25,000/-
6.	Transportation charges	Rs.20,000/-
7.	Temporary disability	Rs.5,000/-
8.	Total Compensation	Rs.6,37,155/-

18. As a result of the aforesaid discussion, the present appeal is partly accepted with costs and the claimant is held entitled to enhanced compensation of Rs.1,36,155/- (Rs.6,37,155/- - Rs.5,01,000/-) (rounded to Rs.1,36,000/-) over and above the compensation awarded by Tribunal, payable by respondents No.1 to 3 jointly and severally, along with interest @ 9% per annum, from the date of filing of claim petition i.e., 10.08.2015, till realization.

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19. 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 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.

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

(YASHVIR SINGH RATHOR)
JUDGE

14.05.2026
amandeep

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