



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

210

FAO-2027-2001 (O&M)
Date of Decision: 27.08.2026

DEVI LAL

..... Appellant

VERSUS

OM PARKASH AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Jitender Dhanda, Advocate for the appellant.

Service of respondent No.1 dispensed with
vide order dated 16.01.2026.

Mr. Abhinav Mahant, AAG, Haryana
for respondents No.2 and 3.

YASHVIR SINGH RATHOR, J. (Oral)

1. This appeal has been instituted by the claimant for enhancement of compensation against the Award dated 14.10.2000 passed by Motor Accident Claims Tribunal, Hisar (**for short “Tribunal”**) in MACT Case No.8 of 1998 in a petition under Section 166 of the Motor Vehicles Act, 1988 (**for short ‘Act’**) vide which a sum of Rs.40,000/- has been awarded as compensation to claimant due to injuries suffered by him in a motor vehicular accident on account of rash and negligent driving on the part of respondent No.1 while driving Haryana Roadways Bus bearing No.HR-39/0528 (**for short ‘offending vehicle’**), owned by



respondents No.2 and 3.

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

- “1. *Whether the accident in question took place due to rash or negligent driving of bus No.HR-39/0528 by respondent No. 1 as alleged? OPP*
2. *What amount of compensation the claimant in each petition is entitled to and from whom? OPP*
3. *Whether the petitions are not maintainable? OPR*
4. *Whether the petitions are bad for non joinder and mis joinder of necessary parties? OPR*
5. *Relief.”*

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

4. After hearing the parties and on going through the material on the file, learned Tribunal awarded a sum of Rs.40,000/- as compensation to the claimant, on account of injuries suffered by him along with interest @ 12% per annum from the date of filing of claim petition till realization, payable by respondents No.1 to 3 jointly and severally.

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.HR-39/0528, owned by respondents No.2 and 3. No appeal or cross-objections have been filed by 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 Tribunal has not appreciated the facts of the case and evidence on file in the correct perspective while assessing the compensation which is grossly inadequate. Learned counsel further contended that the claimant has been awarded a total compensation of Rs.40,000/- for medical expenses, loss of income during treatment, transportation, special diet and pain and sufferings. 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.

8. On the other hand, learned counsel for respondents No.2 and 3 argued that the award in question is 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.

9. 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.

10. As per version of claimant, he had suffered multiple injuries in the accident in question and huge amount was spent on his treatment and the Tribunal after going through the evidence on file awarded him a total compensation of Rs.40,000/- under following heads:-

1.	Medical expenses	Rs.10,000/-
2.	Loss of income during treatment	Rs.10,000/-
3.	Transportation and special diet	Rs.5,000/-
4.	Pain and sufferings	Rs.15,000/-

11. In the present case, the claimant has not suffered any grievous injury and the injuries suffered by him have been found to be simple in nature. However, it is not disputed that he had suffered head injuries. As per the CT Scan report, there was contusion in the brain. He remained admitted in the hospital from 16.09.1997 to 23.09.1997, as deposed by PW-2 Dr. V.K. Gupta. As per MLR Ex.P1, the claimant had suffered three injuries.

12. As per bills Ex.PW2/1 to Ex.PW2/13, the claimant had spent Rs.6,700/- on his treatment. However, it is a matter of common knowledge that patients or their attendants do not preserve all the bills and some amount of



guesswork has to be applied while assessing the ‘expenses incurred on treatment’. Taking into consideration the nature of injuries, claimant is held entitled to a sum of **Rs.12,000/-** for the ‘**expenses incurred on treatment**’.

13. The claimant had suffered multiple injuries including head injury with brain contusion and he remained hospitalized for about one week. It is a matter of common knowledge that pain component in such injuries is enormous and such injuries take a considerable time to heal. Therefore, taking into consideration the severity of injuries, claimant is held entitled to a sum of **Rs.20,000/-** for ‘**pain and sufferings**’.

14. During the period of treatment, claimant must have been spent some amount on ‘special diet’, ‘in engaging an attendant’ and on ‘transportation’. As such, claimant is held entitled to compensation of **Rs.7,500/-** for ‘**special diet**’, ‘**engaging an attendant**’ and ‘**transportation expenses**’.

15. However, the amount of **Rs.10,000/-** awarded for loss of income during the period of treatment is adequate and no interference in the same is called for.

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

Sr. No.	Head of Compensation	Compensation Assessed by this Court (₹)
1.	Pain and Sufferings	20,000/-
2.	Expenses Incurred on Treatment	12,000/-
3.	Loss of Income during treatment	10,000/-
4.	Special Diet, Attendant Charges and Transportation expenses	7,500/-
	Total	49,500/-



17. As a result of aforesaid discussion, the present appeal is partly accepted with costs and the claimant is held entitled to enhanced compensation of **Rs.9,500/- (Rs.49,500/- - Rs.40,000/-)** 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. 01.01.1998, till realization.

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

(YASHVIR SINGH RATHOR)
JUDGE

27.08.2026
Priyanka Thakur

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No