

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

2025:PHHC:114213



**FAO-1356-2019 (O&M)
DATE OF DECISION : 27.08.2025**

HARPINDER SINGH

... APPELLANT

V/S

BUDH RAM @ BUDHU AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Anil Kumar Garg, Advocate for the appellant.

Mr. Rishav Jain, Advocate for respondent No.1.

Mr. Himanshu, Advocate for respondent No.2.

Mr. Navdeep Jain, Advocate and
Mr. Sunny K. Singla, Advocate for respondent No.3.

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PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by injured-claimant Harpinder Singh being aggrieved by the impugned award dated 22.11.2018 passed by the learned Motor Accident Claims Tribunal, Sangrur vide which appellant was granted total compensation of Rs.56,138/- on account of the injuries suffered by him.

2. It is the case of appellant that he had suffered grievous injuries on account of accident dated 03.03.2015 caused by respondent no.1, who was driving car bearing registration no. PB-31A-5377 in a rash and negligent manner.

3. The main grievance of injured-claimant in the present appeal is that the learned Tribunal has erred in awarding compensation only under one head i.e. medical expenses. Learned counsel for the appellant has argued that the learned Tribunal has erred in not awarding compensation under the heads of pain and sufferings, loss of income during his treatment and expenses incurred by the claimant on special diet, attendant charges and transportation.

4. The appeal is being opposed by learned counsel for respondent Nos.1 and 3. Learned counsel for respondent Nos.1 and 3 upon whom the liability to pay compensation was fastened has argued that no permanent injury was suffered by the claimant and therefore, the amount of Rs.56,138/- awarded by the learned Tribunal is in accordance with law and no enhancement is justified.

5. On consideration, I find that learned Tribunal has erred in not awarding just compensation to the claimant in a case of injury where there is no permanent disability. Claimant is entitled to compensation for expenses incurred on medical treatment, special diet, transportation and attendant charges. Claimant is also entitled to compensation for pain and sufferings and loss of income suffered by him during the treatment. In the present case, out of above noted heads, the learned Tribunal has only awarded compensation for medical expenses incurred by the claimant. Claimant is, therefore, entitled to compensation under the heads i.e. pain and sufferings, loss of income as well as expenses incurred on special diet, transportation and attendant charges. Admittedly, no evidence has been led by claimant as regards to expenses incurred upon transportation, attendant charges and special diet. However, even in the absence of any evidence, some amount

must have been incurred by claimant under these heads. Accordingly, claimant is entitled to amount of Rs. 7,500/- as compensation on account of expenses incurred on attendant, special diet and transportation. Admittedly, claimant had suffered fracture in the accident and was duly treated by Dr. Gulzar from Gulzar Bone and Joint Hospital, Malerkotla. He was admitted in hospital on 03.03.2015 and was discharged on 15.03.2015. He had suffered supra condylar fracture right femur and open reduction and internal fixatation was done with locking plate screw system. The extent of injury and period of hospitalization goes to show that claimant must have undergone immense pain and sufferings.

6. Accordingly, the claimant is entitled to compensation of Rs.50,000/- on account of pain and sufferings. Similarly, claimant must have suffered loss of income for at least three months keeping in view above noted injury and period of hospitalization. No proof of income has been placed on record by claimant. He is an able-bodied person and must be earning wages equivalent to unskilled worker as per minimun wages prevalent at that time. Accordingly, minimum wages amounting to Rs. 6,854/- as prevalent in 2015 are taken as income of the claimant and Rs. 20,562/- (6,854 x 3) is awarded for three months on account of loss of income.

7. The total amount of compensation payable to the claimant shall be as under:-

Medical expenses	Rs. 56,138/- as awarded by Tribunal	Rs. 56,138/- upheld
Loss of income	Rs. 6,854/-@ per month (minimum wages for unskilled worker)	Rs. 6,854/-@ per month x 3 - Rs. 20,562/-

Expenses incurred on attendant, special diet and transportation.	Rs. 7,500/-	Rs. 7,500/-
Pain and suffering	Rs. 50,000/-	Rs. 50,000/-
Total compensation awarded to the claimant/injured in appeal		Rs.1,34,200/-
Total compensation awarded by the Tribunal	Rs.56,138/-	
Enhanced amount of compensation	Rs. 78,062/-	Rs. 78,062/- (1,34,200 – 56,138) rounded off to Rs.78,000/-

8. Accordingly, appellant is entitled to enhanced compensation of Rs.78,000/- over and above the compensation of Rs. 56,138/- awarded by the learned Tribunal.

9. Let the same be paid by respondents No.1 and 3 jointly and severally to the claimant-appellant along with interest @ 7.5% p.a. from the date of filing of the claim petition till its realisation.

10. Appeal is, accordingly, disposed of. Pending miscellaneous application(s), if any, shall also stand disposed of.

27.08.2025

Janki

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No