

2025:PHHC:160004



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

FAO-4598-2022 (O&M)
Date of Decision:17.11.2025

Birender Singh @ Virinder Singh

....Appellant

VersusSahib & Anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present:- Ms. Nandini Gupta, Advocate for
Mr. Abhilaksh Grover, Advocate, for the appellant.

Mr. Nigam Bhardwaj, Advocate, for respondent No.2.

VIKRAM AGGARWAL, J.

Claimant has preferred the instant appeal seeking enhancement in compensation granted to him vide award dated 22.10.2021 passed by the Motor Accident Claims Tribunal, Palwal (for short 'the MACT').

2. The facts, as emanating from the paper book, are that the appellant-claimant, filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the MV Act') claiming compensation on account of injuries suffered by him in a motor vehicular accident which took place on 15.05.2017.

3. It was pleaded that the appellant-claimant was serving in the Indian Army, and on 15.05.2017 at about 08.15 p.m., when he was taking a walk with Parkashvir and Rohtash, from Boraka to Palwal side, one motorcycle bearing No. HR-50-D-0744 (hereinafter referred to as 'the offending vehicle') hit him from the back side. The

offending vehicle was of a milk vendor, who was carrying four drums, due to which, leg of the claimant got fractured. He was admitted in hospital at Palwal for treatment, wherefrom he was referred to the Army Hospital, New Delhi. On an application submitted by Birpal (brother of the claimant), FIR No.395 dated 13.06.2017 under Sections 279 and 337 IPC at Police Station, Hodal, was registered against respondent No.1.

4. It was averred that at the time of the accident, the age of the claimant was 35 years and he was posted as a Nayak in the Army and that his monthly income was Rs.50,000/-. He suffered multiple grievous injuries, including a fracture in his leg in the said accident, due to which he became permanently disabled and disfigured. It was further averred that that he remained admitted in the hospital till 23.06.2017 and that he had lost an opportunity of promotion from Nayak to Havaldar. Even after discharge from the hospital, he was taking treatment as an outdoor patient. A sum of Rs.5,00,000/- had been spent by him on his treatment, medicines, special diet, conveyance, Doctor's fee etc. Accordingly, a sum of Rs.20 lakhs along with interest at the rate of 18% p.a., had been claimed on account of injuries sustained by the claimant in the aforesaid accident.

5. The claim petition was opposed by respondent No.1, denying the factum of accident. It was denied that the accident was caused by respondent No.1. The Insurance Company (respondent No.2) also opposed the claim petition and took its usual defences. The factum of accident was denied by respondent No.2 as well.

6. From the pleadings of the parties, following issues were framed:-

- “1. Whether the accident in question resulting into the injuries to claimant Birender Singh son of Shri Rattan Singh took place due to rash and negligent driving of vehicle bearing registration No. HR-50-D-0744 by respondent No.1 ? OPP
- 2. If issue No.1 is proved, whether the claimant is entitled to compensation, if so, how much and from whom? OPP
- 3. Whether the respondent No.1 has violated the terms and conditions of the insurance policy, if so to what effect? OPR-2
- 4. Relief.”

7. Parties led their respective evidence.

8. Vide award dated 22.10.2021, the MACT, assessed the compensation as under:-

Sr. No.	Head under which amount awarded	Amount
1.	Compensation on account of expenditure on medicine and treatment	
2.	Compensation on account of loss of income	
3.	Compensation on account of pain and sufferings	Rs. 1,25,000/-
4.	Compensation on account of hospitalization, special diet etc.	Rs.1,00,000/-
5.	Compensation on account of transportation	Rs.25,000/-
6.	Disability	
	Total	Rs.2,50,000/-

9. Seeking enhancement in the said compensation, the present appeal has been filed.

10. Learned counsel for the appellant-claimant submits that on account of the injuries suffered by him in the accident, the appellant/claimant was unable to carry out his daily activities for a period of three months and further owing to his medical condition, he had been discharged from the Army on 30.04.2019. It is further argued that had the claimant not suffered injuries in the accident in question, he would have got his promotion to the rank of Havaldar. It is further argued that the loss on account of pain and sufferings and loss of career prospects, were not taken into consideration by the MACT and the amount of compensation awarded is very much on the lower side. It is also argued that on account of his prevailing medical condition, the appellant-claimant has lost the employment opportunities, but the said aspect has totally been ignored by the MACT, while passing the impugned award.

11. On the other hand, learned counsel appearing for respondent No.2, while opposing the submissions made by learned counsel for the appellant-claimant submits that the compensation awarded by the MACT, is just and proper. It is argued that the appellant-claimant failed to prove on record that he had suffered any permanent disability on account of the aforesaid accident. It is further argued that as the treatment of the appellant-claimant was taken in the Army Hospital, the MACT had rightly not awarded compensation under the head of expenditure incurred on medicines and treatment.

12. I have considered the submissions made by learned counsel for the parties.

13. A perusal of the impugned award shows that the appellant-claimant remained admitted mainly in the Base Hospital, Delhi from 16.05.2017 to 23.06.2017 and then from 18.08.2017 to 29.08.2017. The appellant-claimant did not produce any record regarding the expenses incurred by him on his treatment. Thus, he was not held entitled to any amount of compensation under the head of medical expenses.

14. It was further found by the MACT that on account of the injuries suffered by the appellant-claimant in the accident, he was discharged from Military service on 30.04.2019 but no disability certificate was produced by him. It was accordingly found that it was not proved on record that the appellant-claimant became ineligible for any civil employment. Still further, it was found that during the period the appellant-claimant remained admitted in the hospitals, he was drawing the entire salary. Thus, the appellant-claimant was not found entitled to any compensation under the head of loss of income.

15. Under the head of pain and sufferings, an amount of Rs.1,25,000/- was awarded, whereas under the heads of hospitalization, special diet, etc. and transportation, the appellant-claimant was awarded Rs.1,00,000/- and Rs.25,000/-, respectively.

16. Concededly, no disability certificate was produced by the appellant-claimant before the MACT. The factum of the appellant-claimant having been treated in the Army Hospital, could not be disputed by learned counsel for the appellant and so is the factum of not producing any record as regards the treatment taken from the hospitals, so as to make out a case for grant of compensation under the

said heads. The appellant-claimant failed to prove on record that on account of the injuries suffered by him in the accident in question, he became ineligible for any civil employment. This Court, therefore, does not find any ground to interfere in the findings recorded by the MACT in that regard.

17. However, taking into consideration the totality of the facts and circumstances of the case and the factum that on account of the accident in question, the appellant-claimant remained admitted in the hospital for nearly two months, this Court finds that the compensation awarded to the appellant-claimant under the head of pain and sufferings, is on the lower side. Thus, the ends of justice would be fully met, if the compensation of Rs.1,25,000/- awarded under the head of pain and sufferings, is enhanced to Rs.3,00,000/-. Compensation awarded under other heads by the MACT shall remain intact. Accordingly, the appellant-claimant is held entitled to compensation of Rs.4,25,000/- instead of Rs.2,50,000/- as awarded by the MACT. The said amount shall be paid along with interest @ 7.5% per annum. The liability to pay the said compensation would be as per the award. The impugned award passed by the MACT stands modified accordingly.

18. The appeal stands disposed of.

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

(VIKRAM AGGARWAL)
JUDGE

17.11.2025
ds

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