



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

1. FAO-409-1996(O&M)

Mangal Singh

..Appellant

Versus

Lekh Ram and another

..Respondents

2. FAO-1009-1996(O&M)

Lekh Ram and another

..Appellants

Versus

Mangal Singh

..Respondent

**Reserved on: 22.08.2025
Date of decision:27.08.2025**

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. B.S.Jaswal, Advocate
for the appellant in FAO-409-1996 and
for the respondent in FAO-1009-1996

Mr. Purusharth Dhull, Advocate for
Mr. Rajinder Goel, Advocate
for the appellants in FAO-1009-1996 and
for respondent no.1 and 2 in FAO-409-1996

MANDEEP PANNU, J.

1. By this common order, two First Appeals against Order
i.e FAO-409-1996 and FAO-1009-1996, arising from award dated



09.08.1995, passed by the Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as 'Tribunal') shall stand disposed of.

2. FAO-409 of 1996 has been filed by injured Mangal Singh praying for enhancement of compensation awarded by the Tribunal whereas FAO-1009-1996 has been filed by Lekh Ram and Manbir, Driver and Owner, respectively, of the offending vehicle, i.e Tractor bearing registration no. HRM-8740, challenging the aforesaid award on the ground that their vehicle was not involved in the accident.

3. In order to comprehend the issues involved in the present case, some relevant facts, in brief, are required to be noticed.

4. On 14.10.1993, Mangal Singh was returning back to his Village Mehchana on his cycle from Haily Mandi. When he reached near Government College at about 1:00 p.m, he saw a tractor being driven rashly and negligently by Lekh Ram and therefore, he got down from his cycle and stood on left side of the road, however, still the tractor hit him and both wheels of the tractor passed over his legs, causing him grievous injuries including fracture on leg. He was taken to CHC Pataudi where police was called and his statement was recorded. The accident was witnessed by one Ram Niwas son of Hari Singh. Since the offending vehicle was not insured, therefore, name of Insurance Company was ordered to be struck off by the Tribunal from the array of respondents vide its order dated 24.03.1994.

5. The Tribunal, after going through the pleadings of the parties, framed the following issues:-



“i) Whether the accident took place due to rash and negligent driving of tractor bearing no. HRM-8740 by respondent no.1? OPP.

ii) To what amount of compensation, the petitioner is entitled to claim and from whom? OPP.

iii) Relief.”

6. On appreciation of evidence, the Tribunal recorded the following findings:-

a) The accident took place on account of rash and negligent driving of tractor No.HRM-8740, driven by respondent no.1-Lekh Ram and owned by Manbir-respondent no.2

b) Tribunal awarded a total compensation of Rs.22,000/- (Rs.20,000 on account of injuries, pain & suffering and mental agony whereas Rs. 2,000/- as special damages on account of medical treatment).

c) Respondent no.1 and 2 i.e Lekh Ram and Manbir were held jointly and severally liable to pay the aforesaid compensation to Mangal Singh.

7. Leaned counsel for claimant-Mangal Singh submits that sufficient evidence has been led before the Tribunal to prove the factum of accident having been caused due to rash and negligent driving of Lekh Ram. However, the Tribunal has not awarded appropriate compensation keeping in view the nature of injuries suffered by the claimant. He further submits that no amount has been



awarded towards loss of income during period of treatment, attendant charges, special diet and transportation charges.

8. Per contra, learned counsel representing Driver and owner denied the factum of accident being caused by their vehicle i.e Tractor no.HRM-8740 and submits that they have been falsely implicated in the case in order to fasten with the liability to pay compensation to the claimant.

9. This Court has considered the submissions made by the learned counsel for the parties.

10. As regards accident having been caused by offending vehicle i.e tractor No.HRM-8740, the Tribunal has recorded elaborate findings that *“Ex.P1 is the FIR lodged by Mangal Singh himself with utmost promptness on the same day, at 4:10 p.m, wherein he has not only given the complete sequence of the accident including the registration number of the tractor i.e HRM-8740 but the complete description of the same that it was a blue coloured ‘Eicher’ make.”*

Further the accident took place at 1:00 p.m i.e during day time and was witnessed by one Ram Niwas. Hence, occurrence of accident on 14.10.1993 by tractor no. HRM-8740 is proved beyond reasonable doubt and findings of the Tribunal to that effect are upheld. Consequently, appeal filed by driver and owner i.e FAO-1009-1996 stands dismissed. Since, the vehicle was not insured, therefore, finding of the Tribunal regarding Lekh Ram-Driver and Manbir-



Owner, being jointly and severally liable to pay compensation, is maintained.

11. Since accident is proved, Mangal Singh-claimant shall be entitled to compensation. However, the Tribunal has only awarded an amount of Rs.20,000/- on account of pain and suffering and Rs.2000/- towards expenses on medical treatment, which, in the opinion of this Court is highly inadequate. Mangal Singh has taken treatment from Diwakar Nursing Home. To substantiate his claim, he has examined Dr. Vijay Diwakar (PW3), who has stated that *“he examined Mangal Singh on 14.10.1993. There was a fracture, both bone of the right leg in its middle 1/3rd. The plaster was applied for three months. The plaster was changed on 28.11.1993 after a period of 1½ months to PTB cast below knee plaster for 1½ month.”* Therefore, there is no doubt that claimant has suffered fracture on his leg and has to endure a lot of pain and suffering and consequent inconvenience. Hence, he is held entitled to an amount of Rs.50,000/- on account of pain and suffering. The claimant has claimed to be self employed and cultivator, earning Rs.5000/- per month. However, no proof of income can be led in such cases. Therefore, by applying a thumb rule, it would be safe to assess his income as Rs.1000/- per month. Since he had plaster for a period of three months and as stated by doctor, his full recover is likely to take six months, therefore, he is not expected to do cultivation work for some period and hence, towards loss of income, he is entitled to Rs.9,000/- (1000x9 =9,000). The claimant



has also claimed compensation on account of permanent disability, however, the same fact has not been proved on record and even Dr. Vijay Diwakar (PW3), has stated in his cross examination that fracture of the claimant is fully healed up and fully cured and with due exercise, his muscles will get developed in about six months after removal of plaster. However, this statement of concerned Doctor itself proves that claimant would have required services of attendant for his daily activities and special diet for his recovery. Therefore, an amount of Rs.7000/-, as claimed by him in his claim petition, is awarded towards special diet. Towards attendant charges, he is awarded an amount of Rs.10,000/-. He also claimed an amount of Rs.2,000/- for transportation, which is also awarded. An amount of Rs.2,000/- spent by claimant on his medical treatment is maintained.

8. Accordingly, the amount of compensation is revised as under:-

Sr.No.	Heads	Compensation awarded
1.	Pain and suffering	50,000/-
2.	Loss of Income	1,000/- per month 1000x9 = 9000/-
3.	Special diet	7000/-
4.	Attendant charges	10,000/-
5.	Transportation charges	2,000/-
6.	Amount spent on medical treatment	2000/-
	Total Compensation	Rs.80,000/-



9. The claimant shall be entitled to difference in amount of compensation alongwith interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realization.
10. Accordingly, appeal filed by claimant-Mangal Singh i.e FAO-409-1996 stands allowed whereas appeal filed by driver and owner i.e FAO-1009-1996 is dismissed.
11. All the pending miscellaneous applications, if any, are also disposed of.

27.08.2025

rekha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(MANDEEP PANNU)
JUDGE