

**108-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-1952-2022

Date of Decision: 06.11.2025

BALVEER SINGH

....Appellant

Versus

JASWINDER SINGH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. P.K.S. Phoolka, Advocate
for the appellant.

Mr. Lalit Garg, Advocate
for the respondent No.3.

Parmod Goyal, J. (Oral)

Notice of motion to respondent No.3 being the only contesting respondent.

2. On the asking of Court, Mr. Lalit Garg, Advocate who is present in the Court in other matters and is on the panel of National Insurance Company-respondent No.3, accepts notice on behalf of respondent No.3 and waives service.

3. Present appeal has been preferred by injured/claimant who is dissatisfied with the award of compensation of Rs.2,70,868/- on account injuries in the accident dated 19.01.2018, vide impugned award dated 15.12.2021, passed by learned Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as 'Tribunal').

4. Claimant was awarded the following compensation by the Tribunal:-

1.	Medical Treatment	Rs. 1,40,868/-
2.	Conveyance, Special diet and Attendant	Rs.50,000/-
3.	Pain and Sufferings	Rs.50,000/-
4.	Loss of income	Rs.30,000/-

5. Injured claimant/appellant had asserted to have suffered multiple injuries on account of the accident. As per the injured/Claimant he was admitted to Civil Hospital, Bathinda, wherein he was operated and external fixation of left leg was done. Later he was referred to Guru Gobind Singh Medical College, Faridkot. He claimed that as a result of the accident plates were inserted in the leg of the injured-claimant, which broke once and the claimant had to undergo another surgery. He also asserted that he remained hospitalized from 19.01.2018 till 06.02.2018 and underwent surgery twice. Due to the injuries the injured-claimant-appellant underwent another surgery in the month of February, 2019. As far as compensation on account of medical expenses, conveyance, special diet and attendant is concerned, no fault can be found with awarded compensation.

6. Though the Claimant-injured has placed on record his disability certificate Ex.C42 showing disability of 20% but it has not been proved on record by examining the doctor. However, I find that compensation for pain and sufferings to be on the lower side. Injured Claimant-appellant suffered fracture in the leg and had undergone three surgeries on account of the accident. Even plates were inserted in the leg of the injured-claimant. Learned Tribunal ought to have awarded higher compensation towards pain and sufferings. Accordingly, claimant-injured is held entitled to Rs.1,25,000/- instead of Rs.50,000/- for pain and sufferings as awarded by

the Tribunal. Similarly amount on account of loss of income is also on lower side. Appellant in view of fracture, multiple injuries and insertion of plate must had remained out of gainful employment for at least 6 months, therefore, would be entitled to compensation of Rs.48,000/- (Rs.8,000/- minimum wages X 6 months). Appellant is, therefore, held entitled to enhanced compensation of Rs.93,000/- along with 7.5% interest on enhanced amount from date of filing of petition till realization. Apportionment and liability to pay compensation shall be as per award.

7. In above terms, petition stands disposed of.

06.11.2025
Chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No