



FAO-688-2000

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

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FAO-688-2000

Date of decision :12.11.2025

MASTER AKSHAY

... APPELLANT

VERSUS

SULTAN SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Bhavyadeep Mamli, Advocate
for the appellant.

Respondent Nos. 2 and 3 ex-parte
Vide order dated 14.08.2019.

PARMOD GOYAL, J.

1. The present claim petition has been preferred by the claimant-appellant, being aggrieved by the award dated 15.11.1999 passed by the Motor Accident Claims Tribunal, Jagadhri (hereinafter referred to as 'The Tribunal'), whereby an amount of Rs. 18,000/- was awarded to the claimant-appellant as compensation, along with 10% interest from the date of filing of the petition until the date of its realization.

2. The claimant-appellant is aggrieved by the quantum of compensation. It was the case of the claimant-appellant that on 10.12.1997, he had boarded a rickshaw from his school. At about 12:30 p.m., the rickshaw puller stopped near the school to adjust the children. In the meanwhile, a bus bearing Registration No. HR-07-PA-0172, driven by respondent No. 1 in a rash and negligent manner, came from the Ambala side at a high speed and hit the rickshaw in which the injured was also present. On account of the impact, the claimant sustained multiple injuries.



3. Since Issue No. 1, i.e., the issue regarding negligence, was decided in favour of the claimant–appellant and is not being challenged before this Court, the same is not being reconsidered for the sake of brevity.

4. The appellant-claimant has asserted that initially he was admitted in the hospital of Dr. Gidwon and thereafter taken to the hospital of Dr. Sabharwal. After administering first aid, he was referred to PGI, Chandigarh, where the injured remained admitted for five days. Thereafter, he was again admitted in the hospital of Dr. Gidwon. The factum of the claimant–appellant’s admission to these hospitals was duly proved by his father, examined as PW-3, and by Dr. Gidwon, examined as PW-4. The father of the appellant-claimant stated that he had spent around Rs. 25,000/- to Rs. 30,000/- on the medical treatment of his son. However, the total bills produced on record amounted to only Rs. 10,000/-. The father of the appellant-claimant also claimed to have spent Rs. 15,000/- in Gidwon Hospital, but only an amount of Rs. 1,100/- was proved through bill Exhibit P-2. After consideration, learned Tribunal granted Rs. 10,000/- towards medical expenses and Rs. 8,000/- towards pain and sufferings to the claimant-appellant.

5. On consideration, I find that the amount of Rs. 10,000/- awarded towards medical expenses was granted without taking into account the transportation expenses, cost of attendant charges, and special diet. The claimant–appellant has successfully proved that he remained admitted for five days at PGI, Chandigarh, and for several days in the hospital of Dr. P.C. Gidwon, where he was treated and subjected to repeated CT scans. These facts clearly indicate that the appellant-claimant must have spent a considerable amount on transportation and expenses on attendant and special diet. Further, being a small child at the time of the accident, injured was naturally accompanied by his parents, who would have suffered loss of income while taking him to Chandigarh and looking after him.



Such loss and care would certainly fall within the category of attendant charges. Therefore, the appellant-claimant is held entitled to compensation of Rs. 20,000/- under the combined heads of medical expenses, transportation, special diet, and attendant charges.

6. Keeping in view the nature of injuries, as established from the fact that the claimant–appellant remained hospitalized for five days at PGI and was thereafter admitted again in the local hospital, it is evident that he must have undergone immense pain and sufferings. The award of Rs. 8,000/- granted by the learned Tribunal under this head is on the lower side and requires enhancement. Accordingly, the claimant-appellant, who was studying in pre-nursery at the time of the accident, is entitled to compensation of Rs. 20,000/- under the head of pain and sufferings. Due to the injuries sustained, the appellant-claimant must have lost valuable time from his studies and is, therefore, entitled to an additional sum of Rs. 5,000/- on this account.

7. Accordingly, the appellant–claimant is entitled to the following compensation:

Medical expenses, transportation, special diet and attendant charges	Rs. 10,000/- (awarded by Tribunal)	Rs. 20,000/-
Pain and sufferings	Rs. 8,000/- (awarded by Tribunal)	Rs. 20,000/-
Loss of studies		Rs. 5,000/-
Total compensation awarded by Tribunal	Rs. 18,000/-	
Compensation awarded in appeal		Rs. 45,000/-
Enhancement of compensation	Rs. 45,000/- (awarded in appeal) – Rs. 18,000/- (awarded by Tribunal)	Rs. 27,000/-



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8. Thus, the claimant-appellant is entitled to a total compensation of Rs. 45,000/-. Consequently, he is entitled to an enhanced amount of Rs. 27,000/- along with interest at the rate of 7.5% per annum on enhanced compensation so awarded from date of filing of claim petition till realization. The apportionment and liability of respondents shall be as per the award. The awarded amount shall be deposited within six weeks from the date of this order.

9. The appeal is accordingly allowed in the above terms.

12.11.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No