



FAO No. 2907 of 2001(O&M) **1**

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

(216)

FAO No. 2907 of 2001(O&M)
Reserved On: 19.12.2025
Pronounced On: 22.12.2025
Uploaded On : 23.12.2025

Mohinder Pal

...Appellants

Versus

Pawan Kumar And Others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Ravinder Jain, Advocate
for the appellant.

None for the respondents.

VIRINDER AGGARWAL,J.

1. This Appeal is directed against the award dated 10.02.2002 passed by the Motor Accidents Claims Tribunal, Jagadhri, whereby the learned Tribunal awarded a compensation of ₹13000/- along with interest at 12% per annum to the appellant/claimant on account of injuries sustained in a motor vehicular accident.

BACKGROUND FACTS

2. On 07.03.1998 at about 7:15 p.m. when the claimant, Mohinder Pal, was standing near a telephone pole outside Sudarshan Hardware Store on Radaur Road, Yamuna Nagar, with his bicycle parked nearby. A Jeep bearing registration No. (HR-13-7141), driven by respondent No.1 in a rash and negligent manner and on the wrong side of the road, struck the claimant and

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his bicycle. As a result, the claimant sustained multiple and grievous injuries. He was immediately taken to Civil Hospital, Yamuna Nagar, and thereafter referred to PGI, Chandigarh. The claimant filed a petition under Sections 166 and 140 of the Motor Vehicles Act claiming compensation of ₹1,50,000/-.

3. Upon evaluation of the oral as well as documentary evidence on record, the learned Tribunal recorded a clear finding that the accident was the result of rash and negligent driving of the offending Jeep bearing registration No. (HR-13-7141) by respondent No.1. This conclusion was primarily founded on the testimony of the claimant, Mohinder Pal (PW-4), who being an injured witness, inspired confidence, and was duly corroborated by the statement of Ishwar Chand (PW-1), an eyewitness to the incident. Their evidence was found to be cogent, consistent, and remained unshaken in cross-examination. The learned Tribunal further drew support from the documentary evidence on record, including the FIR (Ex. P-1), the medico-legal report, and the medical treatment records. While determining the quantum of compensation, the learned Tribunal considered the medical bills duly proved, the period of hospitalization, and the loss of income suffered by the claimant during the course of treatment. Under various heads, namely medical expenses, pain and suffering, loss of earnings, special diet, and conveyance, the Tribunal assessed the total compensation at ₹13,000/-, awarding interest at the rate of 12% per annum, and fastened the liability jointly and severally upon the respondents.

CONTENTIONS

4. Learned counsel for the appellant submitted that the impugned award is unsustainable in law and on facts, as the compensation awarded by

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the learned Tribunal is wholly inadequate. It was contended that the learned Tribunal failed to duly appreciate the evidence on record relating to the grievous injuries suffered by the appellant, the period of hospitalization, and the prolonged medical treatment undergone by him. It was further argued that the loss of income suffered during the period of treatment and convalescence was not properly assessed. Further, learned counsel contended that the amounts awarded under the heads of pain and suffering, special diet, and conveyance were assailed as being meagre and unjust. On these premises, learned counsel urged that the impugned award warrants interference and that the compensation be enhanced to a just and reasonable amount in the interest of justice.

OBSERVATIONS AND FINDINGS

5. I have heard learned counsel for the parties and carefully perused the impugned award and the record. The scope of the present appeal is confined to the question of adequacy of compensation awarded by the learned Tribunal, as the finding on rash and negligent driving has already been returned in favour of the claimant and is not under challenge before this Court. Accordingly, the consideration herein is limited to examining whether the compensation assessed by the learned Tribunal calls for any interference.

6. Having heard learned counsel for the appellant and upon careful perusal of the record, this Court finds no merit in the present appeal. The learned Motor Accident Claims Tribunal has correctly appreciated the oral and documentary evidence and has awarded just and reasonable compensation in accordance with law. It is evident from the record that only medical bills to the tune of ₹3,200/- were duly proved by the claimant. In the

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absence of any cogent documentary evidence such as additional bills, prescriptions, or hospital records substantiating further expenditure, the learned Tribunal was legally justified in restricting the award under the head of medical expenses to the proved amount alone. Further, the award of ₹5,000/- towards grievous injuries cannot be said to be arbitrary or inadequate, particularly when the nature of injuries, period of treatment, and absence of long-term complications have been duly taken into consideration. Further, there is no evidence on record to establish that the claimant suffered any permanent disability as a consequence of the accident. The learned Tribunal, therefore, rightly held that no compensation was payable under the head of permanent disability.

7. As regards to loss of income, the claimant himself, in his deposition as PW-4, stated that he was earning ₹1,500/- per month at the relevant time, and he asserted that he remained bedridden for about two months. However, the PW-5, Dr. S.K. Gupta, deposed that the claimant remained hospitalized for about one week and categorically stated that no bed rest was advised after discharge. In the face of such clear medical evidence, the self-serving statement of the claimant regarding prolonged bed rest cannot be accepted at face value. In these circumstances, the learned Tribunal adopted a balanced and reasonable approach in holding that the claimant would have been unable to attend to his normal duties for at least one month and, accordingly, awarded loss of income at ₹1,500/- for the said period and ₹400/- for loss of income during period of hospitalization. Therefore, this finding does not call for any interference by this court. Even otherwise, the injuries proved on record are not of such severity as to justify a longer period of loss of income in the absence of medical advice for extended rest.

8. Further, the amount of ₹900/- awarded towards special diet and ₹2,000/- towards conveyance cannot be said to be arbitrary or inadequate, particularly when viewed in the light of the injuries proved on record and the brief duration of hospitalization and fact that the accident took place nearly 3 decades ago. Further, no bills, vouchers, or independent evidence were produced to substantiate any claim for higher expenditure under these heads. Moreover, no evidence whatsoever was produced to substantiate any claim regarding the engagement of an attendant or loss of amenities of life. In the absence of proof, compensation under such heads could not have been granted as a matter of course.
9. In view of the above discussion, this Court is of the considered view that the learned Tribunal has granted compensation strictly on the basis of the evidence led and has neither ignored any material aspect nor adopted an erroneous approach. The award reflects a judicious assessment of the facts and circumstances of the case and does not suffer from any illegality or perversity warranting interference by this Court.
10. Accordingly, the present appeal is **dismissed**.
11. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

22.12.2025
P.Singh

(VIRINDER AGGARWAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>