



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

FAO-3334-2001 (O&M)

Date of decision: 07.11 .2025

Abhishek Joshi

..Appellant

Versus

Jagbir Singh and others

..Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr.Nitish Kaushal, Advocate for the appellant

Mr. Vinod Chaudhri, Advocate for
respondent No.3-Insurance Company

MANDEEP PANNU, J.

1. This appeal is filed by the claimant/appellant/injured against the award dated 01.03.2001 passed by the Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as 'Tribunal') whereby compensation of Rs.70,000/- has been awarded in his favour on account of injuries sustained by him in the vehicular accident, which took place on 06.02.1998. There is no dispute with regard to the correctness of the findings recorded by the Tribunal regarding injuries sustained by the appellant/claimant in the aforesaid vehicular accident as well as the fact that the accident took place due to rash and negligent driving by Driver of the Truck bearing registration plate no. PAT-8154. Hence, the only issue is with regard to quantum of compensation.



2. The Tribunal awarded the following compensation to the claimant/appellant:-

Sr. No.	Heads	Compensation awarded
1.	Compensation on account of permanent disability to the extent of 5%	50,000/-
2.	Amount on account of Medical expenses, physical and mental pain	20,000/-
	Total	Rs. 70,000/-

3. Learned counsel for the claimant-appellant submits the claimant was 6 years old at the time of accident and suffered disability to the extent of 5% as per disability certificate issued to him. He had to be operated and remained hospitalized in PGI for a period of 20 days. He claimed to have spent Rs.1 lakh on his treatment, however, the Tribunal has awarded a meagre sum of Rs.70,000/-. He further submits that the Tribunal has awarded inadequate amount under Head ‘pain and suffering’ and also failed to award any amount under Heads ‘Special Diet’ and ‘Attendant charges’.

4. Per contra, learned counsel for Insurance Company has vehemently argued that sufficient amount towards compensation has already been awarded by the Tribunal and there is no scope for enhancement.

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

6. Appellant/claimant was a young boy of 6 years at the time of accident. He suffered grievous injuries in the accident due to



which he was operated and he remained hospitalized in PGI for a period of 20 days. He has been issued disability certificate reflecting 5% disability, which must have led to potential challenges in his social and academic development as well as emotional well-being. Accordingly, this Court enhances the compensation to Rs. 40,000/- towards medical expenses and pain & suffering, as against Rs.20,000/- awarded by the Tribunal. An amount of Rs.5000/- is also awarded towards ‘Special Diet’ and Rs.2000/-is awarded towards ‘Attendant Charges’. However, amount of Rs.50,000/- awarded by the Tribunal towards 5% disability is maintained.

7. Accordingly, the compensation is re-assessed as under :

Sr. No.	Heads	Compensation awarded
1.	Compensation on account of permanent disability to the extent of 5%	50,000/-
2.	Amount on account of Medical expenses, physical and mental pain	40,000/-
3.	Special diet	5,000/-
4.	Attendant charges	2,000/-
	Total	Rs.97,000/-

8. The claimant-appellant 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. Rest of the award needs no modification.

9. Accordingly, the appeal stands partly allowed.



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10. All the pending miscellaneous applications, if any, are also disposed of.

07.11.2025

rekha

Whether speaking/reasoned

Whether reportable

(MANDEEP PANNU)

JUDGE

Yes/No

Yes/No