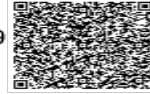
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****121****FAO-2500-2023 (O&M)
Date of decision: 11.09.2025****Bhan Singh****...Appellant(s)****Vs.****Jasvir Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Ms. Gurnam Kaur Turka, Advocate for the appellant.***********NIDHI GUPTA, J.**

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.3,23,221/- awarded by the learned Motor Accident Claims Tribunal, Patiala (for short "the learned Tribunal") vide Award dated 20.02.2023 passed in MACP Case No. 153 dated 29.07.2020 filed under Section 166 of the Motor Vehicles Act, 1988.

2. Fresh Vakalatnama on behalf of the appellant with 'No Objection' from earlier counsel filed in Court today, is taken on record.

3. Brief facts of the case are that the Id. Tribunal on the basis of evidence adduced by the parties concluded that the appellant had suffered injuries in a motor vehicular accident that took place on 24.12.2019 due to the rash and negligent driving of a Car bearing registration No. HR-41-J-8002 (hereinafter referred to as "the offending vehicle") being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The above said compensation was awarded along with interest @ 7%

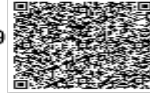


per annum. All the respondents were held jointly and severally liable to pay the compensation.

4. Learned counsel for the appellant seeks enhancement of compensation by submitting that in the accident in question, the appellant had suffered multiple grievous injuries and has been rendered permanently disabled. Yet, meager amount of Rs.3,23,221/- has been awarded to the appellant. It is submitted that prior to the accident, appellant was working as a Driver and earning Rs.15,000/-p.m. It is submitted that due to the disability suffered by the appellant, he cannot sit, stand and walk properly and has become dependent upon others. He is still under treatment and bedridden and, therefore, one attendant is permanently required to look after the appellant. He is unable to work; but these facts have not been considered by learned Tribunal while passing the impugned Award. Moreover, interest has been awarded @ 7% only and the same deserves to be enhanced @ 18% p.a.

5. Learned counsel for the appellant further submits that the Ld. Tribunal has gravely erred in law while awarding compensation as the claimant remained admitted in hospital from 24.12.2019 to 3.2.2020 and further he remained in the ICU from 24.12.2019 to 31.01.2020. He had suffered several fractures and he was operated upon as per the record produced from GMCH Sector 32, Chandigarh. i.e. for a period of 41 days. Therefore, the impugned Award needs modification on this account.

6. It is also submitted that in the accident in question, appellant had also suffered head injury. Therefore, there was loss of expectation of life

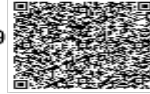


of the appellant; as also loss of amenities. It is accordingly prayed that the present appeal be allowed; and the compensation be enhanced in the above manner.

7. No other argument is raised on behalf of the appellant. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the appellant.

8. The case as pleaded by the appellant in claim petition before the Tribunal as recorded in para 3 of the impugned Award is as follows:-

"It has been further averred that the accident took place entirely due to the rash and negligent driving of car bearing no. HR-41-J-8002 by respondent no. 1. Claimant was aged about 63 years and was hale and hearty at the time of accident. He was working as a driver and was earning Rs. 15,000/- per month. He suffered multiple, simple and grievous injuries including fracture of left shoulder and left elbow dislocation, fracture of right leg below knee, right limb fracture and head injuries. He became permanently disabled and is unable to do any work. He cannot sit, stand and walk properly and has become dependent upon others. He is still under treatment and is bed ridden. He has spent more than Rs. 10 lakh on his treatment, transportation, special diet, attendants, etc. One attendant is required to look after him permanently. All the respondents being driver, owner and insurer of the offending vehicle are jointly and severally liable to pay the compensation. Hence, the claim petition has been filed for seeking compensation to the tune of Rs. 30 Lacs along with interest @ 18% per annum."



9. Although the appellant had pleaded that he was working as a Driver, however, appellant has admitted that his driving license Ex.R1 was valid upto 27.07.2019; whereas the accident had taken place on 24.12.2019. As such on the date of accident, appellant did not possess even the valid driving license, what to talk of employment as a Driver. Besides this, no other evidence was produced by the appellant to prove his employment as a driver. It has also been submitted by the appellant that he had become permanently disabled due to the accident in question. However, it is a clear and categoric finding of the learned Tribunal in para 16 of the impugned Award that *"No evidence has been adduced to show that Bhan Singh the claimant has been rendered permanently disabled."*

10. It has also been contended by the appellant that he remained hospitalized for 41 days. In this regard, learned Tribunal has duly recorded in para 21 of the Award that appellant had remained in hospital from 24.12.2019 to 03.02.2020 and further he remained in the ICU from 24.12.2019 to 31.01.2020. Keeping in view the said fact, the learned Tribunal had therefore, correctly awarded a sum of Rs.2 lakhs towards pain and suffering; and Rs.25,000/- towards special diet. Learned Tribunal had further awarded Rs.15,000/- towards attendant charges; and Rs.10,000/- towards transportation. Medical expenses as proved from bills Ex.C2 to Ex.C137 for an amount of Rs.73,221.50 were awarded; thereby granting total compensation of Rs.3,23,221/-.

11. Although, it has been contended by the appellant that he had also suffered head injury in the accident in question however, no record

has been referred to, with regard to any head injury either in the claim petition or before this Court.

12. Thus, no ground is made out to interfere in the impugned Award. Accordingly, the present appeal is hereby **dismissed**.

13. Pending application(s) if any also stand(s) disposed of.

11.09.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No