



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

(230)

FAO No. 1958 of 2004(O&M)

Date of Decision:17.11.2025

Krishan**... Appellant****Versus****Karan Singh and another****... Respondents****CORAM : HON'BLE MR. JUSTICE VIRINDER AGGARWAL****Present :** Mr. R.K. Hooda, Advocate
for the appellant.Mr. H.N. Sahu, Advocate
for the respondent.**VIRINDER AGGARWAL,J.(ORAL)**

1. This appeal is directed against the award dated 08.03.2004 passed by the Motor Accidents Claims Tribunal, Jind, whereby the learned Tribunal awarded a compensation of ₹50,000/- along with interest at 9% per annum to the appellant on account of injuries sustained in a motor vehicular accident.

BACKGROUND FACTS

2. The brief facts of the case are that on 23.01.2001, the claimant (Krishan), aged about 25 years and engaged in agricultural work and dairy farming, was returning to his village Nepewala from Narwana after meeting one Shishpal @ Satpal Singh on his motorcycle. When he reached near village Belarkha at about 8:15 PM, a loading tempo bearing registration No. (HR-46A-0920), driven by respondent No. 1, Karan Singh, in a rash and negligent manner came from the opposite direction and struck his motorcycle. Due to the impact, the claimant suffered multiple injuries including a compound fracture and was



removed to the General Hospital, Narwana, from where he was referred to PGI, Rohtak for further treatment. On these assertions, a claim petition under Section 166 of the Motor Vehicles Act was filed before the Motor Accident Claims Tribunal, Jind, seeking compensation of ₹10,00,000 for the injuries allegedly suffered in the accident.

3. Upon consideration of the oral and documentary evidence brought on record, the learned Tribunal concluded that the accident in question was the result of the rash and negligent driving of respondent No. 1. This finding was reached on the basis of the consistent and reliable testimonies of the Claimant (PW-1) and the eye-witness Satpal (PW-2), coupled with the admitted fact that respondent No. 1 was facing criminal proceedings arising out of the same occurrence. Further, the learned Tribunal observed that although the claimant had claimed to have incurred ₹1,50,000/- on medical treatment, several bills produced were not shown to be connected with the hospitals where he actually received treatment. Consequently, the learned Tribunal awarded a sum of ₹50,000/- towards medical expenses, pain and suffering and other incidental charges along with interest at the rate of 9% per annum, fastening the liability jointly and severally upon respondents No. 1 and 2, as the offending vehicle being admittedly uninsured.

CONTENTIONS

4. Learned counsel for the appellant contended that the impugned award dated 08.03.2004 suffers from grave illegality and material irregularity, as the learned Tribunal failed to appreciate the evidence in its correct perspective. Learned counsel for the appellant submitted that the learned Tribunal erred in failing to consider the disability certificate issued by the Civil Surgeon, Jind, which recorded 50% permanent disability. It was argued that the learned Tribunal also



failed to examine the functional impact of such disability upon the appellant's earning capacity. It was further submitted that the compensation awarded was grossly inadequate even to cover medical expenses and that no amounts were granted under settled heads such as pain and suffering, loss of amenities, loss of future earning capacity, and future medical care.

5. Learned counsel for respondent supported the award of the learned Tribunal, contended that the award had been passed after a proper and thorough appreciation of the evidence on record and therefore, did not warrant any interference by this Court.

OBSERVATIONS AND FINDINGS

6. I have carefully heard the arguments advanced by the learned counsel representing the appellants and have thoroughly examined the entire paper book.

7. The learned Tribunal, on an appreciation of the oral and documentary evidence adduced by the party, rightly came to the categorical conclusion that the accident had occurred due to the rash and negligent driving of the offending vehicle by respondent No. 1. Further, having considered the rival submissions and examination of the evidence on record, this Court finds that the appellant has not produced any cogent medical evidence to substantiate the nature or extent of the injuries allegedly suffered in the accident. Further, the appellant has not furnished his Medico-Legal Report, disability certificate, or testimony of any treating doctor has been placed on record to demonstrate that the appellant had sustained 50% permanent disability. Although, the appellant claimed in the petition that he remained hospitalized for about one and a half months and underwent operative treatment, regarding this no documentary proof of such hospitalization or medical procedure has been filed, nor has any



witness been examined to support this assertion. In the absence of these essential documents and evidence, the claim regarding prolonged hospitalization and permanent disability remains unproved, and this Court is unable to assess any functional disability or its impact on earning capacity.

8. Further, the learned Tribunal awarded a sum of only ₹50,000, without making any separate assessment under the heads of pain and suffering, attendant charges, special diet or transportation. A perusal of the medical bills placed on record as Mark 1 to Mark 46 shows that the appellant had incurred expenses amounting to ₹46,400 on medicines and treatment, and these documents were not effectively disputed by the respondents. Therefore, as per the judgement of Hon’ble Supreme Court in **Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343** that the injured are also entitled to just and reasonable compensation under both **pecuniary and non-pecuniary heads**. The learned Tribunal was required to assess each component of damages independently rather than a lump sum awarding, particularly when medical bills demonstrating actual expenditure were available on record. In such circumstances, at least the proven medical expenses of ₹46,400 ought to have been awarded in full, with reasonable additions towards incidental expenses normally associated with treatment such as transportation and special diet, attendant charges. Thus, the award of only ₹50,000 by the learned Tribunal appears to be inadequate and warrants reconsideration.

REASSESSED COMPENSATION

Head of Compensation	Reassessed (₹)
Medical Expenses	46,400/-
Conveyance	10,000/-
Attendant Charges	10,000/-
Pain and Suffering / Loss of Amenities	20,000/-
Total Compensation	86400/-



9. In view of the above discussion, the appeal is allowed. The award dated 08.03.2004 passed by the Motor Accident Claims Tribunal, Jind, is modified. The compensation is enhanced to ₹ 86,400/- with interest at rate of 7% per annum from the date of petition till realization.
10. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

17.11.2025
Saurav Pathania

(VIRINDER AGGARWAL)
JUDGE

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| (i) | Whether speaking/reasoned : | Yes/No |
| (ii) | Whether reportable : | Yes/No |