

**FAO-2707-2004**

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

(202/2)

FAO-2707-2004(O&M)
Date of Decision:-29.11.2025

Samay Singh

.....Appellant

Versus

Gopi Chand and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Mayank Gupta, Advocate,
for the appellant.

Mr. Paul S. Saini, Advocate,
for respondent No.2.

Ms. Madhu Sharma, Advocate,
for respondent No.5.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present appeal has been preferred by the appellant—claimant seeking enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Gurgaon (hereinafter “*the Tribunal*”), vide award dated 05.02.2004, whereby a sum of ₹70,000/- was granted on account of injuries sustained by the appellant in a motor vehicular accident that occurred on 07.12.1998.

2. Brief facts of the case are that the appellant, Samay Singh, sustained severe head injuries in a motor vehicle accident, resulting in prolonged hospitalization and subsequent mental illness. Due to these injuries, he was unable to resume his employment in the Forest Department and required continuous medical treatment, attendant care, special diet, and transportation for follow-ups. The accident caused loss of income, pain and

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suffering, loss of enjoyment of life, and adversely affected his marriage prospects. The learned Motor Accidents Claims Tribunal, Gurgaon, partly allowed the claim but awarded inadequate compensation. Dissatisfied with the impugned award, the appellant has filed this appeal for enhancement of compensation.

3. Learned counsel for the appellant submits that the amount awarded by the Tribunal is wholly inadequate and does not reflect a just, fair, or reasonable assessment of the pecuniary and non-pecuniary loss suffered by the claimant. It is submitted that the Tribunal did not correctly assess the compensation under various heads, namely, medical expenses, pain and suffering, attendant charges, special diet, transportation, loss of income during treatment, loss of enjoyment of life, future medical expenses, permanent disability, and loss of marriage prospects. A detailed calculation chart has been placed on record to demonstrate the correct computation.

4. On the contrary, learned counsel for respondent No.2—Insurance Company, opposing the appeal, submit that the award passed by the learned Tribunal does not require any interference by this Court, as the same has been passed by correctly appreciating the evidence led before it.

5. Having considered the rival submissions and upon a meticulous perusal of the record, with the able assistance of learned counsel for the parties, this Court is of the considered view that the impugned award dated 05.02.2004, passed by learned Tribunal, does not fully conform to the settled principles of law governing just and equitable compensation to the appellant-claimant.

6. Upon careful consideration of the evidence on record, including medical documents, hospital discharge summaries, and the

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treatment history, the Court finds that the Id. Motor Accidents Claims Tribunal, Gurgaon, failed to adequately compensate the appellant for pecuniary losses. It is well settled that claimants are entitled to recover actual medical expenses, attendant charges, transportation costs, special diet, loss of income, and future medical expenses under Section 166 of the Motor Vehicles Act, 1988. In *Abhimanyu Partap Singh v. Namita Sekhon & Anr. 2022(8) SCC 489*, the Hon'ble Court held that compensation for attendant care and future treatment must be included where the injured person is incapacitated for a prolonged period. Considering that the appellant was hospitalized from 08.12.1998 to 24.12.1998, required ongoing treatment up to December 2003, and could not travel independently, this Court awards Medical Expenses ₹30,000/-, Attendant Charges ₹10,000/-, Special Diet ₹10,000/-, Transportation Expenses ₹10,000/-, Loss of Income During Treatment ₹10,000/-, and Future Medical Expenses ₹10,000/-, thereby ensuring full restitution for pecuniary losses directly arising from the accident.

7. The Court further observed that compensation must also account for non-pecuniary losses such as pain, suffering, loss of amenities, and diminution in quality of life. The principle of fair compensation in such cases has been consistently emphasized by the Hon'ble Supreme Court in *Sri Benson George v. Reliance General Insurance Co. Ltd. 2022(13) SCC 142*, which recognized that physical and mental trauma, loss of enjoyment of life, and permanent disabilities cannot be quantified mechanically but must reflect the severity and duration of suffering. Considering the appellant's grievous head injury, prolonged treatment, mental incapacity, and dependency for daily activities, this Court awards Pain & Suffering ₹40,000/- and Loss of Enjoyment of Life / Loss of Amenities ₹10,000/-,



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thereby acknowledging the enduring impact of the accident on the appellant's physical, emotional, and social well-being. Thus, the appellant-claimant shall be entitled to a total compensation Rs. 1,30,000/-.

8. Further, the appellant's counsel claimed compensation for loss of marriage prospects, asserting that the injuries sustained in the accident adversely affected his matrimonial prospects. Upon examination of the record, it is evident that the appellant, Samay Singh, was already married to Smt. Maya Devi at the time of the accident. PW7, Smt. Maya Devi, deposed that the appellant was employed in the Forest Department, and due to the accident, he suffered mental illness which ultimately led to the termination of his services. The impugned award dated 05.02.2024 correctly records these facts. It is settled law that compensation for loss of marriage prospects is available only to unmarried claimants, whose injury diminishes their prospects of marriage. In *M.S. Poonja v. New India Assurance Co. Ltd., (1995) 1 SCC 212*, the Hon'ble Supreme Court held that this head of compensation is contingent on the claimant being unmarried. This principle was reiterated in *Lallu Yeshwant Singh v. Oriental Insurance Co. Ltd., (2007) 4 SCC 400*, holding that married claimants cannot seek damages under this head. Applying the law to the present case, since the appellant was married at the relevant time and the claim for loss of marriage prospects is legally untenable. While the accident did affect his mental health and employment, it did not impair any existing marital alliance. Consequently, no compensation is awarded under this head.

9. In view of the above discussion, the appeal is partly allowed. The compensation is enhanced to ₹1,30,000/-, resulting in an enhancement



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of ₹60,000/- over and above the amount awarded by the Tribunal. All other terms and conditions of the award, including the rate of interest, mode of payment, and apportionment, shall remain unaltered.

10. Pending application(s), if any, stands disposed of accordingly.

(AMARINDER SINGH GREWAL)
JUDGE

29.11.2025
Shubham

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No