

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****225****FAO-3239-2009(O&M)
Date of decision: 04.09.2025****Harjit Kaur****...Appellant(s)****Vs.****Surjit Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Ms. Ekta Thakur, Advocate
for the appellant.Mr. Rohit Kataria, Advocate for
Ms. Anamika Mehra, Advocate
for respondent No.2A.Mr. Rajneesh Malhotra, Advocate
for respondent No.4.*********NIDHI GUPTA, J.**

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.45,000/- awarded by Motor Accident Claims Tribunal, Chandigarh (hereinafter 'the learned Tribunal') vide Award dated 10.01.2009 passed in MACT Case No.270 dated 23.12.2002 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act").

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties,



concluded that the appellant had suffered injuries in a motor vehicular accident that took place on 10.10.2002 due to the rash and negligent driving of truck bearing registration No.HNC-415 (hereinafter “the offending vehicle”) by respondent No.1. The offending vehicle was owned by respondent No.2 and insured by respondent No.2A.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that in the accident in question, the appellant had suffered multiple grievous injuries including injury upon left leg, on mouth, and fracture of jaw as a result of which six of her teeth were extracted, 12 got dislocated. Then on 07.01.2003, 4 more teeth were extracted and three steel plates were inserted on right side of jaw resulting in permanent scar in cheek and disfigurement to her face. Yet the learned Tribunal without appreciating the above facts had awarded only Rs.45,000/- as compensation in the following manner: -

Medicine & treatment : Rs.2,100/-
15% Disability : Rs.40,000/-
Special diet & transportation : Rs.2,900/-
Total : Rs.45,000/-.

4. It is submitted that the appellant had even suffered 15% permanent dental disability, as a result of which till today, the appellant is unable to eat properly and has to be on special liquid diet. Even nothing has been awarded for loss of earning. The appellant cannot even speak properly due to extraction of teeth and coherency of speech and voice is diminished.



The appellant had remained admitted in Government Medical College Hospital, Sector 32, Chandigarh from 10.10.2002 to 28.10.2002. Moreover, the appellant is 40-year-old widow. Learned counsel accordingly prays that the compensation be enhanced.

5. Per contra, learned counsel for respondent No.2A submits that the impugned Award suffers from no error as only dental disability has been suffered by the appellant. It is accordingly prayed that the present appeal be dismissed.

6. No other argument is made on behalf of the parties.

7. I have heard learned counsel and perused the case file in detail.

8. A perusal of the record of the case shows that undisputedly the appellant had remained admitted in Government Medical College Hospital, Sector 32, Chandigarh from 10.10.2002 to 28.10.2002 due to the fracture of her jaw and injuries received on her mouth. As a result of the said injuries, 10 teeth of the appellant were extracted, 12 were dislocated and 3 steel plates were inserted on the right side of her jaw; because of which the appellant is confined only to liquid diet. The appellant has permanent scar and disfigurement of her face. The appellant during her cross-examination has stated that she is depressed due to disfigurement of her face and cannot face the relatives and society. Permanent dental disability of 15% is proved on record.



9. Keeping in view all of the above undisputed facts, I deem it appropriate to award lumpsum amount of Rs.5 lakh to be paid to the appellant by way of compensation.
10. Vide the impugned Award, liability to pay the said compensation had been fixed upon respondent No.2 as he was not having valid permit to drive the offending vehicle. It is directed that respondent No.2A/insurer of the offending vehicle shall make the payment of ₹5 lakhs to the claimant-appellant within a period of 6 weeks from today. Further, recovery rights are granted to respondent No.2A/Insurance Company to recover the said amount of compensation of Rs.5 lakh from respondent No.2 as per law.
11. The present appeal stands **allowed** in above terms.
12. Pending application(s) if any also stand(s) disposed of.

04.09.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No