

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025.PHHC:116943



FAO-4283-2022 (O&M)
DATE OF DECISION : 29.08.2025

RAJPAL KAUSHAL

... APPELLANT

V/S

DALER SINGH AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Nipun Bhardwaj, Advocate for the appellant.

Mr. Rahul Pathania, Advocate for
respondent No.4-Insurance Company.

* * *

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by injured-claimant being aggrieved by the impugned award dated 30.05.2022 passed by the learned Motor Accidents Claims Tribunal, Kaithal (hereinafter referred to as 'The Tribunal') vide which the claimant was awarded Rs.34,000/- compensation on account of injuries suffered by him in accident dated 17.09.2019 by rash and negligent driving of respondent no.1 while driving the offending Canter bearing registration no. PB-11AU-9345.

2. Claimant-appellant is seeking enhancement of compensation and has asserted that learned Tribunal has not granted compensation for medical expenses even though medical bills were duly placed as Ex. P6 to P17. He has also sought enhancement of compensation under the head of pain and suffering for which he was awarded only Rs.20,000/- even though the nature of injuries were grievous and appellant-claimant had undergone

immense pain and suffering due to fracture. Similarly, appellant has sought compensation on account of loss of earning due to injury suffered by him. Learned counsel for the appellant states that appellant-claimant is an Advocate and he could not come to Courts for more than 06 months and he was earning Rs.1,00,000/- p.m.

3. On the other hand, learned counsel for respondent No.4- Insurance Company has justified the award of compensation by learned Tribunal. He has referred to para no. 23 of the award wherein Ex. P6 to P17 amounting to Rs.14,400/- towards medical expenses were specifically not taken into consideration on the ground that appellant has not attached any prescription slips. Learned counsel for respondent-Insurance Company has further made reference to the award passed by learned Tribunal to highlight the fact that petitioner has duly admitted that the medical expenses were reimbursed to him. This fact has been fairly admitted by learned counsel for the appellant.

4. On consideration, I find that though appellant is entitled to enhancement of compensation on account of non-grant of loss of income during treatment and lesser compensation on account of pain and suffering, however, he is not entitled to any amount on account of medical bills Ex. P6 to P17 as found by learned Tribunal. Neither any prescriptions have been placed on record justifying these bills nor any justification has been given as to why these bills could not be reimbursed along with other medical expenses for which he has got reimbursement.

5. Learned counsel for the appellant-claimant could not show from which agency the appellant-claimant has got reimbursement. However, since it is an admission on the part of appellant-claimant that amount was duly

reimbursed, the medical expenses claimed vide Ex. P6 to P17 have been rightly ignored by the learned Tribunal.

6. On consideration, award of Rs.20,000/- under the head pain and suffering in the present case needs to be enhanced, keeping in view the fracture, surgery as well as admission in hospital which is accordingly, enhanced to Rs. 40,000/-. Admittedly, appellant had suffered fracture and had remained admitted in hospital. It is, therefore, clearly made out that appellant must have remained confined to bed at least for 8 to 10 weeks which is generally taken for fracture to heal. Accordingly, it is held that appellant must have suffered loss of income for the period of 2-1/2 months. Appellant has claimed that he was earning Rs. 1 Lakh while practising as an Advocate. However, no material has been placed on record to show that he was earning Rs.1 Lakh. Income-tax return has not been produced before the learned Tribunal. Therefore, taking his income as Rs. 18,000/- keeping in view the minimum amount which an Advocate would get even while working with some Senior colleague in the profession, appellant is allowed compensation of Rs. 45,000/- on account of loss of earnings during treatment. No further enhancement on account of special diet, transportation charges and attendant charges is made out.

7. The learned Tribunal in the absence of any specific evidence has rightly granted just compensation under these heads.

8. The total amount of compensation payable to the appellant shall be as under:-

	Awarded by Tribunal	Awarded in appeal
Loss of earning during treatment		Rs. 18000/-@ per month x 2½ = Rs.

		45,000/-
Pain and suffering	Rs. 20,000/-	Rs. 40,000/-
Medical expenses	Rs. 5,000/-	Rs. 5,000/-
Special diet	Rs. 2,000/-	Rs. 2,000/-
Transport charges	Rs. 2,000/-	Rs. 2,000/-
Attendant charges	Rs. 5,000/-	Rs. 5,000/-
Total compensation awarded to the claimant/injured in appeal		Rs.99,000/-
Total compensation awarded by the Tribunal	Rs.34,000/-	
Enhanced amount of compensation	(99,000/- – 34,000/-)	Rs. 65,000/-

9. Accordingly, appellant is entitled to enhanced compensation of Rs.65,000/- over and above the amount of Rs.34,000/- as awarded by learned Tribunal.

10. Let the same be paid by respondent No.4-Insurance Company to the appellant along with interest @ 7.5% p.a. from the date of filing of the claim petition till its realisation.

11. Appeal is, accordingly, disposed of. Pending miscellaneous application(s), if any, shall also stand disposed of.

29.08.2025
Janki

(PARMOD GOYAL)
JUDGE

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