

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****216****FAO-420-2012(O&M)****Date of decision: 19.09.2025****Dharampal****...Appellant(s)****Vs.****Subhash & Another****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Paras Choudhary, Advocate
for the appellant.

Ms. Deepsikha, Advocate for
Mr. Sandeep Goyat, Advocate
for respondent No.1.

Ms. Shamsheer Kaur, Advocate
for respondent No.2.

*********NIDHI GUPTA, J.**

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.1,20,000/- awarded by the Motor Accident Claims Tribunal, Hisar (hereinafter 'the learned Tribunal') vide Award dated 24.08.2011 passed in Claim Petition No.110 dated 17.07.2010 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 the motor vehicular accident that took place on 31.03.2010 due to the rash and negligent driving of three-wheeler bearing registration No.HR-61-3156 (hereinafter 'the offending vehicle'), which was owned and being driven by respondent No.1; and insured by respondent No.2. The learned Tribunal had awarded total compensation of Rs.2,40,000/-, however, had deducted 50% of the said compensation on account of the contributory negligence on part of the appellant; thereby awarding compensation of only Rs.1,20,000/-. The aforesaid compensation has been awarded along with interest @ 7.5% per annum. The respondents were held jointly and severally liable for payment of the aforesaid compensation.

3. Learned counsel for the appellant submits that the learned Tribunal has wrongly deducted 50% of the total awarded compensation on account of contributory negligence on part of the appellant. It is submitted that there was no ground, reason or basis on which the learned Tribunal has held the appellant liable for contributory negligence. It is further submitted that the appellant is entitled to enhanced compensation as the learned Tribunal has ignored Ex.P1 to Ex.P52 which are the medical bills produced by the appellant for an amount of Rs.1,19,225/-. However, the Tribunal has only



awarded Rs.1,20,000/- as total compensation. Even nothing has been given for future loss of income; hospitalisation for 16 days, or loss of earned leave for 93 days, and medical leave for 50 days. It is accordingly prayed that the impugned Award be modified.

4. Learned counsel for the respondents opposes submissions of the appellant and submits that the impugned Award suffers from no error and therefore, the present appeal, be dismissed.

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

6. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions made on behalf of the appellant.

7. At the time of accident, the appellant was 51 years old and working as a Clerk in Education Department, Haryana and earning Rs.19,500/- per month; and accordingly, compensation of Rs.10 lakh was claimed. It was further the pleaded case of the appellant that in the accident in question, he had suffered *“serious and grievous injuries in his leg and head and became unconscious”*. As per the medical evidence on record; as also from the evidence led by PW10 Dr. Reena Jain, Medical Officer, GH Hisar, the appellant had suffered fracture in his left hand and right lower limb. PW10 had deposed that the appellant had become permanently disabled to the extent of 12% as is evident from Disability Certificate (Ex.P51). She further deposed that there was remote chance of reduction of disability with the



passage of time and proper physiotherapy. However, as the appellant was a Government servant and as such, his earning capacity had not decreased, accordingly, the learned Tribunal had held the appellant entitled to Rs.2,000/- per percent of disability.

8. The learned Tribunal had further awarded Rs.4,000/- per month towards attendant charges. Further, PW9 Rajinder Bhatia had produced the service record of the appellant and had tendered Certificate (Ex.P50) as per which the appellant had availed 93 days of earned leave from 30.03.2010 to 30.06.2010 and 50 days medical leave from 02.07.2010 to 20.08.2010. It was admitted by PW9 in his cross-examination that the appellant had not suffered any monetary loss due to his medical leave. PW9 had further deposed that the appellant was earning Rs.19,000/- per month. Accordingly, the learned Tribunal had computed pecuniary loss of the appellant to be Rs.57,000/- (approximately) and had awarded compensation in the following manner:-

Head	Amount
Pain & suffering	Rs.25,000/-
Permanent disability	Rs.24,000/-
Treatment expenses	Rs.1,19,225/-
Pecuniary loss of income	Rs.57,000/-
Special diet, attendant charges and conveyance charges	Rs.15,000/-
Total	Rs.2,40,225/-

9. As regards contributory negligence on part of the appellant, findings of the learned Tribunal are that:-



“13. Now the point to be decided is as to on account of whose negligence the accident took place. In my opinion, both the drivers have contributed towards the accident. Admittedly, a cut was available in the divider of the road, from where the motor cyclist could have turned to his right side for going to Mini Sectt. Hisar. Offending three wheeler was coming from the opposite side in its lane and he too should have taken reasonable care and driven three wheeler at a normal speed and he should have remained vigilant at such a crossing Motor cyclist also abruptly turned to his right without caring for the three wheeler coming from opposite direction. Both the drivers have thus failed to take reasonable care and have contributed to the accident and as such, both the drivers are equally liable for the accident.”

10. Ld. Counsel for the appellant is unable to dispute or controvert the above findings. In view of the above, no ground is made out to interfere in the impugned Award. Present appeal accordingly stands **dismissed**.

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

19.09.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No