



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

(i) FAO-1151-2021 (O&M)

Pooja

...Appellant

VERSUS

Jai Parkash and others

...Respondents

(ii) FAO-1221-2021 (O&M)

Aarti

...Appellant

VERSUS

Jai Parkash and others

...Respondents

Date of Decision: July 03, 2025

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.B.K.Bagri, Advocate
 for the appellants.

 Mr.R.C.Gupta, Advocate
 for respondent No.3.

ARCHANA PURI, J.

The twin appeals have been filed by the appellants-claimants to seek enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, on account of injuries sustained by them, in a motor vehicular accident.

Suffice to consider that the accident had taken place on

**FAO-1151-2021 and connected case****-2-**

15.03.2018. On that day, appellant-claimant Pooja was going with her uncle namely Naresh Kumar from their village Kotia to Kanina on Activa bearing registration No.HR-82-9014. Appellant-claimant Aarti was waiting for them at T-point Kanina-Rewari turn. Naresh Kumar had stopped the Activa on his own side on the katcha portion of the road and after parking the Activa, he went to a shop nearby. Aarti and Pooja were standing on the katcha portion of the road. In the meantime, a truck bearing registration No.HR-66-3833, being driven by respondent No.1, at fast speed, in a rash and negligent manner, came from behind and struck Aarti as well as Pooja, as a result whereof, they had fallen down and sustained multiple and serious injuries. The Activa was also damaged in the said accident. The accident had occurred due to rash and negligent driving of the offending vehicle by respondent No.1-Jai Parkash.

Consequently, three claim petitions were filed by Aarti and Pooja (MACP-296 and 298-2018) for seeking compensation, on account of injuries sustained by them and one Santosh (MACP-297-2018), for seeking compensation qua damages to the Activa.

On appraisal of the evidence, brought on record, learned Tribunal had concluded about the accident to have been caused due to rash and negligent driving of the truck bearing registration No.HR-66-3833, driven by respondent No.1-Jai Parkash and on account of the accident, the appellants-claimants have sustained extensive injuries.

Considering the evidence brought on record, learned Tribunal, more particularly, taking into consideration the bills/receipts proved to the extent of Rs.21,762/- and also considering the 'pain and suffering' and



treatment undergone, had awarded an amount of Rs.26,000/- to the appellant-claimant Aarti, on account of injuries sustained in the accident in question. So far as, claim of Pooja is concerned, considering the medical record and the bills of Rs.70,195/-, learned Tribunal had granted to the compensation to the extent of Rs.1 lakh, on account of injuries sustained by Pooja, in the accident in question. Respondents No.1 to 3 i.e. driver, owner and insurer of the offending vehicle were held jointly and severally liable to pay the compensation.

Being aggrieved by the extent of compensation, FAO-1151-2021 has been filed by appellant-claimant Pooja, whereas, FAO-1221-2021 has been filed by appellant-claimant Aarti.

Learned counsel for the parties heard.

Considering the evidence brought on record, the 'work on' of the compensation do call for re-determination.

Before proceeding further, it ought to be taken into consideration that time and again, the Courts have held that the '**just**' compensation is adequate compensation and the Award must be just that-'**no less and no more**'. It goes without saying that in matters of determination of compensation, the Tribunals/Courts are statutorily bound by the responsibility of fixing 'just' compensation. It is obviously true that determination of 'just' compensation, cannot be equated to bonanza, but at the same time, it ought not to be a niggardly amount. The concept of '**just compensation**' obviously suggest an application of fair and equitable principles and reasonable approach, on the part of Tribunals/Courts. However, the measures have to be applied proportionately.

**FAO-1151-2021 and connected case****-4-**

In this backdrop, firstly let us consider the claim for compensation qua injuries sustained by Pooja. Claimant Pooja has herself stepped into witness box as PW-2. In her affidavit Ex.PW2/A, she has categorically stated about factum of accident and manner of taking place of the same. She has imputed rashness and negligence, on the part of respondent No.1-Jai Parkash and also deposed about injuries sustained by her as well as her hospitalization for treatment, firstly in CHC, Kanina and then to Kalawati Hospital, Rewari and thereupon, she was admitted to Artemis Hospital, Sector-51, Gurugram. She was 18 years old, at the relevant time and was student of B.A. Part-1, 2nd semester. Though, it was also asserted about herself to be indulging in tailoring work and earning Rs.10,000/- per month, but no evidence, as such, was brought on record.

Besides the said witness, Sarita Rani, Record Keeper, Artemist Hospital had proved the discharge summary of patient Pooja, which is Ex.P1 and medical bills Ex.P2 to Ex.P46. The MLR relating to Pooja was tendered into evidence as Ex.P60 and P61 and other medical bills are Ex.P67 to Ex.P80. However, the ambulance bills, coming on record are Mark P1 to P17.

It is significant to note that no doctor, as such, has been examined by the claimant to prove the nature of injuries, but however, since the Motor Vehicles Act is in the nature of beneficial legislation, therefore, any document coming on record, can be taken into consideration. The discharge summary is coming on record, which reveals about claimant-Pooja to have suffered fracture bilateral superior and inferior pubic rami and bilateral sacral ala with internal degloving right thigh with degloving injury left foot.

**FAO-1151-2021 and connected case****-5-**

There was swelling present over right thigh. She had undergone operation on 15.03.2018. It was debridement of wound over left foot and application of below knee slab done under GA. Even though, the doctor has not been examined, but there is mention made in this discharge summary about pelvic compression/decompression test to be positive. At the time of discharge, besides the cleaning of wound with betadine, physiotherapy was also advised.

Considering the aforesaid injuries and treatment undergone, the compensation do call for enhancement.

At first instance, it is pertinent to mention that the amount of bills has not been appropriately considered by learned Tribunal. There is bill of Artemist, which is Ex.P45, which reveals about the amount of bill relating to the treatment undergone by claimant Pooja is to the extent of Rs.99,576.99, which is now rounded off as Rs.1,00,000/-. Besides the same, also there is bill coming forth, with regard to admission of Pooja in Kalawati Hospital, which is Ex.P67, to the extent of Rs.1500/-. Besides the same, there are other bills, relating to the post-discharge visits to the hospital, but however, this post-discharge treatment so undergone, do not stand sufficiently proved to the injuries sustained. But anyhow, the fact remains that as injury was on foot as well as the thigh, for which surgery was undergone, appellant-claimant Pooja must be making various rounds to the hospital, time and again and on this account, besides the amount of **Rs.1,01,500/-** aforesaid, another amount of **Rs.25,000/-** is awarded.

Even though, no bifurcation, as such has been made by learned Tribunal, with regard to the various other aspects of the assessment of the



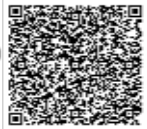
compensation, but it is quite obvious that on account of injuries sustained, in the accident, the appellant must have remained under the traumatic state of mind and thus, considering the same, on the count of 'pain and suffering', another amount of **Rs.20,000/-** is awarded.

Also, during the period of her treatment, while she remained admitted in the hospital and for a period of minimum two months, after the discharge from the hospital, appellant-Pooja, must have been looked after by a bye-stander/attendant throughout. Even if, the appellant-claimant was being looked after only by her family members, then also, it should be noted that they could perform the role of care-giver, only by diverting their own time, from any form of gainful employment, which could have generated some income. Thus, on the count of 'attendant charges', an amount of **Rs.20,000/-** is granted.

Though, photocopies of various ambulance bills have been produced, but the same have not been duly proved by way of examination of any witness. The bills also do not stand connected to the visits made by the appellant to the hospital. But anyhow, some amount must have been spent by the family of the appellant-claimant on the count of 'transportation' for making various rounds to the hospital, during the course of treatment. Thus, on this count, a sum of **Rs.20,000/-** is awarded.

Obviously, during the period of treatment and some time thereafter, in the minimum, the appellant-claimant must have been put on special rich diet, for the healing process. On this count also, another sum of **Rs.10,000/-** is granted.

Thus, on the various counts, the compensation ought to be



FAO-1151-2021 and connected case

-7-

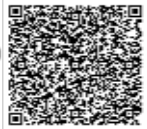
granted to appellant-claimant-Pooja, is re-computed as herein given:-

1. Medical Bills	Rs.1,26,500/-
2. Pain and suffering	Rs.20,000/-
3. Attendant charges	Rs.20,000/-
4. Transportation charges	Rs.20,000/-
5. Special diet	Rs.10,000/-
Total	Rs.1,96,500/-

As such, the compensation, so awarded by learned Tribunal, stands enhanced from **Rs.1,00,000/-** to **Rs.1,96,500/-**. On the enhanced amount of compensation i.e. $Rs.1,96,500-1,00,000=Rs.96,500/-$, the appellant-claimant shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation.

Now, let us consider the compensation awarded to appellant-claimant Aarti. She herself had stepped into witness as PW-3. In her affidavit Ex.PW3/A, she has categorically deposed about the manner of taking place of the accident and the injuries sustained by her. She further deposed about herself to be 19 years old and student of B.Sc. 2nd year (4th Semester). Though, she has also deposed about her indulgence in tailoring work, but as observed aforesaid, there is no such satisfactory evidence brought on record, on this count. PW-1 Sarita Rani had also proved the treatment record of patient Aarti, which is Ex.P47. However, perusal of Ex.P47 reveals about admission of Aarti in Artemis Hospital and it does not specifically state about the detail of the injury. Though, x-ray examination of left ankle AP+LAT VIEW was taken, wherein, it was observed as under:-

“The ankle joint space is normal. The articular margins are



smooth and no subarticular abnormality seen. The distal ends of the tibia and visualized tarsal bones are normal. Bone density is normal. No lytic/sclerotic lesion seen. No soft tissue abnormality is seen. Result-Fracture of left fibula noted”

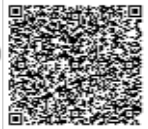
The bills proved are Ex.P48 to Ex.P54 and Ex.P62 to Ex.P66, the total whereof is Rs.21,762/-. The compensation awarded by the learned Tribunal is Rs.26,000/-, which is definitely a niggard amount, which calls for enhancement.

Even if, no doctor has been examined, but however, since the Motor Vehicles Act is the beneficial legislation, therefore, the nature of injuries, as evident from treatment record proved by summoning of the witness, as such, can be taken into consideration and the same specifically reflects about fracture of left fibula.

Considering the seat of injury, on the counts of ‘pain and suffering’, ‘attendant charges’, ‘transportation charges’ and ‘special diet’, the compensation ought to be granted to appellant-claimant-Aarti, as granted in the case of appellant-Pooja, as herein given:-

1.	Pain and suffering	Rs.20,000/-
2.	Attendant charges	Rs.20,000/-
3.	Transportation charges	Rs.20,000/-
4.	Special diet	Rs.10,000/-
	Total	Rs.70,000/-

The aforesaid amount of Rs.70,000/- is awarded over and above the compensation of Rs.26,000/- awarded by learned Tribunal. On the enhanced amount of compensation i.e. Rs.70,000/- the appellant-claimant shall be entitled to the interest, at the rate of 6% per annum, from the date of



FAO-1151-2021 and connected case

-9-

filing of the present appeal, till realization of the enhanced amount of compensation.

With the above observations, both the appeals stand allowed.

July 03, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No