

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****236****FAO-3021-2016(O&M)**
Date of decision: 19.11.2025**Vanita Bhalla****...Appellant(s)****Vs.****Jaswant Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Vineet Sehgal, Advocate
for the appellant.Mr. Lalit Garg, Advocate
for respondent No.3.*********NIDHI GUPTA, J.****IOIN-FAO-3021-2016**

Registry has put the present matter under the category of IOIN.

The main matter i.e. FAO-3021-2016 is taken up for arguments today itself.

IOIN stands disposed of accordingly.

FAO-3021-2016

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.8,19,000/- awarded by the Motor Accident Claims Tribunal, Chandigarh (hereinafter 'the learned Tribunal') vide Award dated 18.11.2015 passed in MACT Case No.369 dated



27.11.2014 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 01.06.2014 at about 7:50 pm due to the rash and negligent driving of motorcycle bearing registration No.PB-65-X-4508 (hereinafter “the offending vehicle”) being driven by respondent No.2, owned by respondent No.1, and insured by respondent No.3. The said compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that the learned Tribunal made mistake by deducting more than Rs.3,39,000/- on account of medical expenditure. It is submitted that the entire medical expenditure incurred by the appellant ought to have been reimbursed to the appellant. It is contended that no doubt, the appellant has been reimbursed by the Medical Insurance Policy. However, the learned Tribunal failed to consider that Medi-Claim Policy has been availed by the appellant in other unforeseen ailments and not for this accident. Moreover, the appellant has been paying premium for this Policy from her own pocket and has not been paid by the respondents. Therefore,



the Tribunal has wrongly deducted more than Rs.3,39,000/- towards medical expenditure incurred by the appellant.

4. It is further submitted that in the accident in question, the appellant had sustained grievous injuries as a result of which she has suffered 6% permanent disability. The appellant had proved the injuries and disability suffered by her by producing PW4 Dr. Harinder Singh Watt. Yet, inadequate attendant charges have been awarded. It is submitted that the appellant had duly proved that she had employed the services of attendant and paid her Rs.15,000/- per month. However, the Tribunal has awarded only Rs.8,000/- pm under this head. Moreover, prior to the accident, the appellant was working in Aroma Hotel. The appellant had proved on record that after the accident, she was not able to work for 2 years. Even no future medical expenses have been awarded for long term treatment. Learned counsel accordingly prays that the impugned Award be modified.

5. Ld. counsel for respondent No.3 vehemently opposes the submissions made on behalf of the appellant and submits that the impugned Award suffers from no error; and prays for dismissal of the appeal.

6. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of learned counsel for the appellant.

7. Perusal of record of the case shows that it was the own pleaded case of the appellant that in the accident in question, the appellant



had suffered *“grievous injuries that is fracture on her right leg and other body parts”*. A perusal of the Disability Certificate (Ex.C3) dated 05.08.2015 (available at page 155 of the LCR) shows that it is stated therein *“she is an old operated case of fracture tibia Fortis Hospital Mohali in June 2014 now fracture is united with limitation of movements at the ankle joint PPD 6% (Six Percent).”* Thus, as per the Disability Certificate (Ex.C3), the appellant had suffered ‘6% partial permanent disability’, and that too only in respect of restricted movement of ankle joint. As such, the Tribunal had correctly awarded Rs.12,000/- (Rs.2,000/- per percent of disability) towards disability.

8. The appellant had proved her employment with Aroma Hotel by producing PW5 D.S. Bisht, Manager who had proved that the appellant was earning Rs.18,000/- per month; as evident from Salary Certificates (Ex.C-100 and Ex.C-101). PW5 had deposed that the appellant had remained absent from duty from the date of accident till date of passing Award. PW4 Dr. Harinder Singh Watt had also deposed that the appellant will take 6-8 months more to recover. Accordingly, Tribunal had awarded an amount of Rs.4,36,000/- (Rs.18,000/- x 24 months) towards loss of income of 2 years. In this regard, it needs to be said that no Attendance Register etc. were examined by the learned Tribunal before awarding the said amount towards loss of income. As such, it was not ascertained that the appellant had been unable to attend work for 2 years. This is especially so as it is proved from the Disability Certificate that appellant had suffered only



partial permanent disability of restricted movement of ankle joint. Therefore, there is nothing on record to indicate that the same would cause any impediment in any manner in the appellant pursuing her job.

9. Further, the appellant had produced CW2 Sapna, Attendant, who stated that the appellant was paying her Rs.15,000/- as attendant charges. However, except oral statement, no documentary proof of said payment was produced. Accordingly, the learned Tribunal had taken salary of the Attendant as Rs.8,000/- per month and granted Rs.1,92,000/- (Rs.8,000/- x 24 months) as attendant salary for 2 years. Again, the said amount is on the higher side as there is no proof of payment of salary. Learned Tribunal had further awarded Rs.68,651/- towards the medical expenses as per the bills produced by the appellant. Even though the appellant had failed to produce certain bills in the original; and had failed to examine necessary witnesses, and prove the said bills in accordance with law, the above said amount was awarded towards medical expenses. Further, deduction of Rs.3,39,000/- made by the learned Tribunal towards the medical bills reimbursed by the Medi-Claim Policy, was in conformity with the judgments of the Delhi High Court in **ICICI Lombard General Insurance Co. Ltd. v. Swatantrata Sharma (Delhi) : Law Finder Doc Id # 551094**; and **Bajaj Allianz General Insurance Co. Ltd. v. Ganpat Rai Sehgal (Delhi) : Law Finder Doc Id # 352653**. No judgment to the contrary has been



produced by the appellant. Accordingly, the learned Tribunal had awarded compensation in the following manner:-

Head	Amount
Medical bills	Rs.68,651/-
Loss of income	Rs.4,36,000/-
Attendant charges	Rs.1,92,000/-
Pain and suffering	Rs.30,000/-
Hospitalisation and healthy diet	Rs.50,000/-
Disability	Rs.12,000/-
Loss of amenities	Rs.30,000/-
Total	Rs.8,18,651/- rounded off to Rs.8,19,000/-

10. In view of the above it is clear that more than just and fair compensation has been awarded to the appellant. The present appeal is **dismissed.**

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

19.11.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No