IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 3110 of 2016 (O&M)
Reserved On: 15.10.2025
Pronounced On: 04.11.2025

Sunita Devi

...Appellant

Versus

Aman Ahlawat and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. Deepak Singh Saini, Advocate with
Ms. Vamika Johar, Advocate
for the appellant-claimant.

Mr. Sachin Ohri, Advocate
for respondent No. 3-Insurance Company.

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HARKESH MANUJA, J.

By way of present appeal, challenge came to be laid to an award dated 05.12.2015 passed by the learned Motor Accident Claims Tribunal, Ambala (for brevity, "the Tribunal"), whereby an amount of Rs. 1,50,000/- was awarded as compensation to the appellant/claimant along with interest @ 7.5% per annum from the date of filing the claim petition till the date of its actual realization.

FACTS

[2] Appellant-Sunita Devi being injured, filed a claim petition before the learned Tribunal praying for grant of compensation on account of injuries suffered by her in a motor vehicular accident which took place on 03.12.2012 while alleging rash and negligent driving of respondent No.1/driver.

[3] After going through the claim petition and evaluating the evidence led by both the parties, learned Tribunal vide award dated 05.12.2015, arrived at a conclusion that the accident occurred on account of rash and negligent driving of respondent No.1/driver and awarded compensation in the following manner:-

S.No.	**Heads of Claim**	**Amount (in Rs.)**
1.	Permanent disability	Rs. 1,00,000/-
2.	Medical Treatment	Rs. 35,000/-
3.	Diet and nutrition, pain and sufferings and transportation etc.	Rs. 15,000/-
	Total	**Rs. 1,50,000/-**

Further, liability was fastened upon the driver, owner and the insurer of the offending vehicle jointly and severally, but was to be indemnified by the Insurance Company.

[4] Being aggrieved against the aforesaid award dated 05.12.2015, the present appeal has been preferred by the appellant/claimant for enhancement of compensation. Facts as specified in the claim petition and the issue regarding negligence of the driver been recorded in favour of the appellant/claimant by the learned Tribunal being not in dispute, therefore, for the sake of brevity, those are not being repeated here.

<u>ARGUMENTS</u>

<u>ON BEHALF OF APPELLANT/CLAIMANT</u>

[5] Learned counsel for the appellant/claimant submitted that the appellant/claimant suffered permanent disability to the extent of 100%, however, pursuant to the directions issued by this

Hon'ble Court vide order dated 08.10.2025, the appellant was examined afresh by the Medical Board constituted by the office of the Civil Surgeon, Ambala, which, in its report, assessed the permanent disability to the extent of 40%, thus learned Tribunal erred in awarding Rs. 1,00,000 towards permanent disability. He also argued that the appellant had also spent a huge amount on special diet, transportation etc. however, learned Tribunal granted compensation for transportation, nutritious diet and non-pecuniary heads on the lower side and the same is, therefore, liable to be enhanced.

ON BEHALF OF RESPONDENT No. 3/INSURANCE COMPANY

[6] Per contra, learned counsel for respondent No.3/Insurance Company vehemently argued that the appellant has been adequately compensated, thus, the present appeal is liable to be dismissed.

DISCUSSION AND REASONING

[7] I have heard learned counsel for the parties and perused the paper book of the case. I find force in the arguments advanced by learned counsel for the appellant/claimant.

ON THE ASPECT OF ENHANCEMENT OF COMPENSATION ASSESSMENT UNDER "MEDICAL EXPENSES / HOSPITALIZATION"

[8] To prove her case, appellant/claimant tendered in evidence her affidavit as Ex.PW3/A, MLR report as Ex.PW-4/C, discharge card as Ex.PW-4/D, medical bills and receipts as Ex.P-5 as well as Ex.P-7 to P-71 besides Ex. PW-5/A and Mark 'X' as disability certificate.

[8.1] In the present case, appellant/claimant had suffered from hemiparesis, resulting weakness of the muscles on the right side of the body. Even though appellant could produce few medical bills and receipts only (Ex.P-5, Ex.P-7 to Ex.P-71) but keeping in mind the cost factor prevalent at the time of motor vehicular accident and the follow-up treatment besides need of medicines during rehabilitation period, the compensation under this head needs to be reassessed. The aforesaid view finds force from the fact that due to shock and mental agony on account of accident, a person cannot be presumed to be vigilant enough to collect all the bills for claim/reimbursement purposes, thus, compensation under this head is assessed as Rs. 1,00,000/-.

ASSESSMENT UNDER "LOSS OF INCOME"

[9] Learned Tribunal failed to assess loss of income of injured on the ground that the appellant failed to bring on record any documentary evidence to prove her income. However, it is an admitted fact that the appellant was 36 years of age at the time of accident and a housewife; in this regard, in case of ***"Mohni Devi Thakur vs. Manjit Singh",*** reported as ***2021(1) RCR CIVIL 737,*** this Court assessed the notional income of housewife @ Rs.7,500/- per month while awarding compensation in relation to an accident dated 24.05.2013.

[9.1] Even in the case of ***"National Insurance Co. Ltd. vs. Dhan Singh"*** reported as ***2019 (3) PLR 301,*** notional income of housewife was assessed @ Rs. 11,000/- per month by this Court while awarding compensation in relation to an accident dated 20.09.2017.

[9.2] Therefore, the notional income of housewife needs to be considered keeping in mind multifarious services rendered by her for the family; the expenses for cook service, maid servant service, housekeeping expenses and keeping in mind the savings accrued due to all these services. Even the invaluable emotional support and the contribution of housewife to her husband, children and in-laws, cannot be assessed in terms of money. Further, a perusal of disability certificate (Mark 'X') of the injured shows that she suffered 40% disability due to injuries sustained by her in the accident. Considering the law laid down by the Hon'ble Apex Court in the aforementioned judgments, this Court in its humble opinion and after giving anxious thought to the facts and circumstances of the present case, wherein the victim is fortunately alive but suffered 40% disability, conservatively assesses the notional income of the appellant/claimant @ 8,500/- per month. Evidently the motor vehicular accident in the present case took place on 03.12.2012 and as per Ex.PW3/A, appellant also received medical treatment for accident related injuries after her discharge from the hospital and was bed-ridden for a year. Thus, considering the nature of injuries sustained and the period of treatment and recuperation, it can safely be inferred that the appellant was incapacitated from performing her routine household duties and other daily chores during the said period. Accordingly, keeping in view the facts and circumstances of the present case, the loss of income for the aforesaid period is assessed on a conservative estimate at Rs.1,01,996.88/- (Rs. 278.69 x 366 days), which is rounded off to Rs.1,02,000/-. Also, while adjudicating upon the issue of compensation under the head of “loss of future income,” it is observed that, in the absence of any cogent evidence on record establishing the permanent disability of the appellant/claimant, no amount can be awarded under the said head.

ASSESSMENT UNDER “OTHER PECUNIARY HEADS”

[10] Admittedly, the injured was bed-ridden as she had suffered from hemiparesis and would have definitely gone for her post-operative care. Thus, compensation granted for special diet, conveyance charges and attendant charges @ 15,000/- is very less. Therefore, compensation granted under these heads is re-assessed @ Rs. 1,00,000/-.

ASSESSMENT UNDER “NON-PECUNIARY HEADS”

[11] In the present motor vehicular accident, appellant/claimant suffered injuries for which she went into the phase of obtaining treatment. In injury cases compensation for mental agony as well as pain and suffering cannot be assessed with mathematical certainty and the fact that no amount of compensation can restore the injured person’s physical frame and eradicate or ameliorate the agony suffered by the injured, therefore, the compensation under this head is reassessed as Rs. 70,000/-.

CONCLUSION

[12] In view of the discussion made hereinabove, the appellant/claimant shall be entitled for grant of compensation in the following manner:-

S.No.	Nature	Amount (in Rs.)
1.	Loss of Income	Rs. 1,02,000/-
2.	Medical Expenses/Hospitalization	Rs. 1,00,000/-
3.	Compensation under other pecuniary heads	Rs. 1,00,000/-
4.	Compensation under non-pecuniary heads	Rs. 70,000/-
	Total Compensation	**Rs. 3,72,000/-**
	Amount Awarded by the Tribunal	**Rs. 1,50,000/-**
	Enhanced Compensation	**Rs. 2,22,000/-**

[13] The grant of interest @ 7.5% per annum is not equitable and just in view of the observation made by the Hon'ble Supreme Court in ***Smt. Supe Dei and others Vs. National Insurance Company Limited and other, (2009) (4) SCC 513*** approved in a subsequent judgment titled as ***Puttamma and others Vs. K.L. Naryana Reddy and another, 2014 (1) RCR (Civil) 443,*** thus, the interest is enhanced to 9% per annum on the amount of compensation awarded to the claimant from the date of institution of claim petition till its realization. In case the said amount is not paid within three months, the same shall be payable thereafter along with 12% interest from the expiry of period of three months from today. Needless to mention here that the amount of compensation already paid to the claimant shall be deducted from the enhanced compensation.

[14] In view of the aforesaid modification, the present appeal stands **disposed off**.

[15] Pending miscellaneous application(s), if any, shall also stand(s) disposed off.

November 04, 2025 **(HARKESH MANUJA)**
'dk kamra' **JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No