

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

National Insurance Company Ltd. ... Appellant(s)

Versus

Balbir Kaur & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Pardeep Goyal, Advocate
for the appellant (in FAO-3301-2016) and
for respondent No.3 (in FAO-2931-2017).

Mr. Gaurav Kalsi, Advocate
for the appellant (in FAO-2931-2017) and
for respondent No.1 (in FAO-3301-2016).

Mr. Ram Avtar, Advocate for respondent No.5
(in FAO-3301-2016 & FAO-2931-2017).

ALKA SARIN, J. (Oral)

CM-11941-CII-2016 IN FAO-3301-2016

1. For the reasons mentioned therein, the application seeking condonation of delay of 92 days in filing the appeal is allowed and the delay of 92 days in filing the appeal is condoned.

CM-9876-CII-2017 IN FAO-2931-2017

2. For the reasons mentioned therein, the application seeking condonation of delay of 190 days in filing the appeal is allowed and the delay of 190 days in filing the appeal is condoned.

FAO-3301-2016 & FAO-2931-2017

3. This order shall dispose off both the above captioned appeals. **FAO-3301-2016** has been filed by the National Insurance Company Ltd. and **FAO-2931-2017** has been filed by the injured-claimant aggrieved by the impugned award dated 07.11.2015 passed by the Motor Accident Claims Tribunal, Tarn Taran (hereinafter referred to as 'Tribunal'). The parties are being referred to as the Insurance Company and the injured-claimant for the sake of clarity.

4. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.

5. The Tribunal vide the impugned award had awarded the following compensation :

Sr. No.	Heads	Amount of compensation
1	Medical Bills/expense	₹21,383/-
2	Transportation	₹25,000/-
3	Loss of Income for four months	₹12,000/-
4	Future medication	₹1,00,000/-
5	Pain and suffering	₹50,000/-
6	Litigation expenses	₹25,000/-
	Total compensation	₹2,33,383/-
	Interest	9%

6. Learned counsel for the injured-claimant would contend that in an accident, which took place on 30.01.2014, the injured-claimant suffered injuries, and remained admitted in Gupta Hospital, Jhabal and thereafter in Guru Nanak Dev Hospital, Amritsar from 30.01.2014 to 06.02.2014. It is

further the contention that the injured-claimant was doing the work of sewing, stitching and embroidery and as a result of injuries, she could not do any work for four months. It has further been contended that the amount awarded by the Tribunal under the pecuniary and non-pecuniary heads is on the lower side.

7. Learned counsel for the Insurance Company would contend that the injured-claimant has not suffered any permanent disability and further no evidence was led by the injured-claimant qua her vocation and loss of income and that the amount awarded by the Tribunal is already on the higher side.

8. I have heard the learned counsel for the parties.

9. In the present case, the accident took place on 30.01.2014 in which the injured-claimant suffered injuries. She remained admitted in Gupta Hospital, Jhabal and Guru Nanak Dev Hospital, Amritsar from 30.01.2014 to 06.02.2014. The discharge card of Guru Nanak Dev Hospital was produced on the record as Ex.P4/A. However, there is no evidence of the claimant-appellant having suffered any permanent disability. Further, no evidence was led by the injured-claimant qua her vocation and loss of income and in the absence of any evidence, the Tribunal while assessing her monthly income as ₹3,000/- awarded an amount of ₹12,000/- towards her loss of income for four months, which in the opinion of this Court does not warrant any interference accordingly the same is maintained. Further, the Tribunal has awarded an amount of ₹1,00,000/-. For future medical expenses. The learned counsel for the insurance company has not been able to show as to how the said amount is excessive. In view thereof, the same is

maintained. The Tribunal has awarded an amount of ₹50,000/- towards pain and suffering. Keeping in view the fact that the injured-claimant remained admitted in hospital for 08 days and must have suffered mental agony, this Court deems it appropriate to enhance the amount to ₹1,00,000/- under the head pain and suffering. An amount of ₹25,000/- awarded by the Tribunal towards transportation and special diet is on the lower side and the same is enhanced to ₹50,000/-. The amounts of ₹21,383/- and ₹25,000/- awarded by the Tribunal towards medical bills and litigation expenses are maintained. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Medical Bills as awarded by the Tribunal	₹21,383/-
2	Litigation expenses as awarded by the Tribunal	₹25,000/-
3	Transportation and special diet	₹50,000/-
4	Loss of income @ ₹3000/- per month for 04 months as assessed by the Tribunal	₹12,000/-
5	Future Medical expenses	₹1,00,000/-
6	Pain and suffering	₹1,00,000/-
	Total Compensation	₹3,08,383/-

10. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 6% per annum from the date of filing of the claim petition till the realization of the entire amount.

11. In view of the decision by the Hon’ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 INSC 361 : 2025 SCC OnLine SC 567]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account of the injured-claimant within six weeks from today. The particulars of the bank account

alongwith the requisite documents in support thereof shall be furnished by the injured-claimant to the Insurance Company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

12. In view of the above discussion, **FAO-3301-2016** filed by the Insurance Company is dismissed and **FAO-2931-2017** filed by the injured-claimant is allowed. The impugned award passed by the Tribunal stands modified accordingly. Pending applications, if any, also stand disposed off.

11.07.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO