



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 19.11.2025

FAO-4984-2015(O&M)

Vijay Singh

...Appellant(s)

Vs.

Banwari Lal & Others

...Respondent(s)

FAO-7267-2015(O&M)

Reliance General Insurance Company Ltd.

...Appellant(s)

Vs.

Vijay Singh & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. I.D. Singla, Advocate
for the claimant/appellant in FAO-4984-2015.

Mr. Subhash Goyal, Advocate
Mr. Vipul Sheoran, Advocate
for the Insurance Company/appellant in FAO-7267-2015.

NIDHI GUPTA, J.

CM-26674-CII-2018 IN FAO-4984-2015

This is an application under Order 41 Rule 27 read with Section 151 CPC for permission to place on record various Bills of Expenditure of Medical Treatment of the claimant Vijay Singh, subsequent to the passing of Award as Annexure A1 (Colly) by way of additional evidence.



At the very outset, learned counsel for the applicant/appellant, on telephonic instructions submits that the present application be disposed of being not pressed.

Ordered accordingly.

CM-12658-CII-2019 IN FAO-4984-2015

This is an application under Order 41 Rule 27 read with Section 151 CPC for permission to place on record various Bills of Expenditure of Medical Treatment of the claimant Vijay Singh, subsequent to the passing of Award as Annexure A2 (Colly) by way of additional evidence.

At the very outset, learned counsel for the applicant/appellant, on telephonic instructions submits that the present application be disposed of being not pressed.

Ordered accordingly.

CM-5895-CII-2020 IN FAO-4984-2015

This is an application under Section 151 CPC for permission to place on record the affidavit of the appellant.

At the very outset, learned counsel for the applicant/appellant, on telephonic instructions submits that the present application be disposed of being not pressed.

Ordered accordingly.

**FAO-4984-2015**

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.23,92,396/- awarded by the Motor Accident Claims Tribunal, Rewari (hereinafter 'the learned Tribunal') vide Award dated 11.03.2015 passed in MACT Case No.272 dated 24.05.2013 filed under the Motor Vehicles Act (hereinafter "the Act").

FAO-7267-2015

Present appeal has been filed by the Insurance Company laying challenge to the Award dated 11.03.2015 passed by the learned Tribunal whereby MACT Case No.272 dated 24.05.2013 filed by the claimant/respondent No.1 herein, under Section 166 of the Act, has been allowed and compensation of Rs.23,92,396/- has been awarded.

Both the above said appeals are being disposed of by this common order as both appeals arise out of the same Award dated 11.03.2015; accident dated 10.10.2012; and parties, facts and offending vehicle in both cases, are same. For the sake of brevity, the parties are being referred to and the facts are being drawn from FAO-4984-2015 titled as "Vijay Singh Vs. Banwari Lal & Others", filed by the injured-claimant.

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 10.10.2012 at about 8 pm due to the rash and negligent driving of Trola bearing registration No.RJ-7-GA-3631 (hereinafter



“the offending vehicle”) being driven by respondent No.1, owned by respondent No.2, and insured by respondent No.3. The said compensation has been awarded along with interest @ 6% per annum. Respondents were held jointly and severally liable for payment of compensation.

3. Facts as pleaded by the claimant in the Claim Petition before the learned Tribunal as recorded in Para 2 of the impugned Award are as under:-

“2. Brief facts of the case are that on 10.10.2012 at about 8.00 p.m. Yogesh Kumar, since deceased was going from Kanina to Rewari in Qualis vehicle No.HR-70-0494 along with Amrit Lal son of Neki Ram, Krishna Devi wife of Ram Karan and, petitioner Vijay Kumar and Qualis vehicle was being driven by Deepak, since deceased, in a moderate speed on extreme left side of the road. When they reached at Shantinagar, Berli Road T-point, Rewari a vehicle i.e. Trolly bearing registration No. RJ-07GA-3631 (hereinafter referred to as the offending vehicle was parked in the middle of the road without any reflector or indicator and the driver of Qualis vehicle could not see the aforesaid offending vehicle due to darkness and reflection of lights of coming vehicles and thus Qualis struck with the said offending vehicle standing in the middle of the road without giving any safety sign or indicator. In the accident Yogesh and Dinesh died at the spot and other occupants of the said Qualis received grievous and multiple injuries.

A case bearing FIR No. 188 dated 11.10.2012 under Sections 283, 337, 338 304-A of Indian Penal Code was registered at Police Station Rampura against respondent No.1.”



4. Ld. Counsel for the appellant/ injured-claimant seeks enhancement of compensation by inter alia submitting that prior to the accident in question, the appellant was working as a Computer Operator with the Haryana Police. In the accident, the appellant has received injuries in his right wrist and right hip. The disability suffered by the appellant has been assessed and proved as 25%; as a result of which, the appellant is unable to do his job properly. It is contended that the appellant has to sit for long hours. However, due to the injury to his right hip, the appellant is unable to do that. Moreover, to work on Computer, the appellant is required to use his wrist, which too the appellant is unable to do due to the injuries suffered by him. It is further submitted that the appellant had examined PW12 Dr. Ashok Saini, who had assessed disability of the appellant as 25%, as per Disability Certificate (Ex.P12/A). However, the Tribunal has not kept these above-said facts in mind while assessing the compensation payable to the appellant. Very less amount has been awarded to the appellant under the different heads. The appellant has spent about Rs.25 lakh on his treatment. Accordingly, the appellant is entitled to compensation of Rs.75 lakh.

5. Per contra, learned counsel for the respondent No.3-Insurance Company (Appellant in connected FAO-7267-2015) submits that the Insurance Company has sought to lay challenge to the impugned Award on the ground of negligence also. However, connected FAO-5286-2015 arising



out of the same accident dated 10.10.2012, has already been dismissed by the Co-ordinate Bench of this Court vide order dated 21.11.2019. A copy of the said order is handed over in the Court, which is taken on record. It is submitted that therefore, present FAO-7267-2015 will be pressed by the Insurance Company only on ground of quantum.

6. Learned counsel draws the attention of this Court towards the order dated 21.11.2019 (in FAO-4984-2015) passed by the Predecessor Bench directing the appellant/claimant *“to file affidavit of the appellant specifying as to whether he claimed any medical reimbursement from his department and how much was paid...”*. It is submitted that the amount of reimbursement has not been disclosed by the claimant till date.

7. Learned counsel also takes this Court through the case file to assert that exorbitant amounts have already been awarded to the appellant under various heads. It is submitted that therefore, there is no ground for enhancement rather the amounts paid to appellant deserve to be reduced. Ld. counsel accordingly prays for setting aside of the impugned Award.

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

9. I have heard learned counsel and perused the case file in detail. I have given my thoughtful consideration to the rival submissions advanced on behalf of both the parties.

10. A perusal of the record of the case shows that as per the evidence on record, the claimant was taken to the hospital immediately



after the accident where he remained admitted till 15.12.2012; and was again admitted on 22.12.2012, and discharged on the same day; he was again admitted on 29.12.2012 and discharged on 07.01.2013. Accordingly, the appellant had produced voluminous medical record including bills and Discharge Summaries, receipts, etc. for a total amount of Rs.20,62,396/-, which were duly reimbursed to the appellant. Appellant had produced Ambulance charges bills (Ex.PW1/A to Ex.PW1/E) for Rs.8,000/- proved by evidence of PW1; Physiotherapy Charges Rs.24,600/- proved by PW2 Attendant. PW6 Sarita Rani, Medical Record Keeper proved medical bills and receipts (Ex.PW6/A) for an amount of Rs.19,16,220/-. Similar sundry amounts were also proved from the evidence of PW7 to PW11; thereby granting total medical expenses for Rs.20,62,396/-.

11. PW4 Dr. Sanjay Sarup had appeared, and proved the injuries suffered by the appellant, and the treatment undergone by him. Details of treatment undergone by the appellant have been recorded by the learned Tribunal in Para 30 of the Award as follows: –

“PW4 Dr. Sanjay Sarup, Artemis Hosptial Gurgaon deposed that Vijay Singh was admitted in the hospital and his first operation was conducted on the same day and second set of surgeries was carried out on 12.10.2012 on right wrist and both thighs and implants have been inserted in these locations. He deposed that on 22.11.2012 patient was taken up for external fixator adjustment and manipulation under anesthesia for left wrist. He stated that on 29.12.012



endoscopic tracheoplasty was carried out by ENT team and patient was examined as OPD patients in their hospital on various dates. He further deposed that patient was again admitted in the hospital on 05.11.2013 and was operated on 06.11.2013 for removal of heterotrophic ossification of the left hip and non-union of right femur and the patient was discharged on 11.11.2013. Patient was again treated as OPD patient on 20.11.2013. As per PW4 patient was suffering multiple compound fractures in four locations and also had lacerations over forehead and frontal scalp. PW4 proved the discharge summary Ex.PW4/A and Ex. PW4/B. PW5 Dr. Dalip Kumar proved the treatment record of Vijay as Ex. PW5/A.”

12. It is the contention of the appellant that in the accident and question he has suffered 25% disability as a result of which he is unable to do his job properly. However, as per Disability Certificate (Ex.P12/A), the appellant has suffered 25% disability *“on account of restricted movement of left wrist, right hip with mild loss of stability and pain.”*. Thus, learned Tribunal had awarded Rs.50,000/- for Disability i.e. @ Rs.2,000/- per percent of disability. I find no error in the same.

13. Further, the Tribunal awarded compensation as follows: –

Medical expenses	Rs.20,62,396/-
Better diet	Rs.50,000/-
Pain and suffering	Rs.1,00,000/-
Transportation charges	Rs.30,000/-
Loss of income	Rs.1,00,000/-
Disability	Rs.50,000/-
Total	Rs.23,92,396/-



14. It is to be noted that PW12 Dr. Ashok Saini has stated in his cross-examination that there can be light improvement in the condition of the claimant over time. However, no reassessment has been done by the claimant to assess his current level of disability. The claimant has been unable to show that there is any functional disability suffered by him. Admittedly, the claimant is still continuing in his occupation as Computer Operator with the Haryana Police. As such, there is nothing on record to indicate that the claimant has suffered any functional disability as he is still continuing with his job. Thus, no loss of income has been caused to the claimant; yet the learned Tribunal has awarded Rs.1 lakh towards loss of income. The claimant has not brought any service record to show that he has to suffer any promotion or any lack of job opportunity due to the injuries suffered by him. Medical bills already stand reimbursed. As such, no ground is made out to enhance the compensation amount.

15. In view of the above discussion, I find that a very just and fair compensation has been awarded to the appellant. The impugned Award requires no interference. Resultantly, **both** appeals are **dismissed**.

16. 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