

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

105

FAO-5754-2015 (O&M)

Date of Decision: 03.12.2025

Uploaded on: 05.12.2025

Surender Kumar

....Appellant

 V/s

Shakti and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Ms. Poorvi Sharma, Advocate for
Mr. Manish Soni, Advocate, for the appellant.

Mr. Sanjeev Kumar Arora, Advocate, for respondent No.3.

VIKRAM AGGARWAL, J.

The instant appeal has been preferred by the appellant-claimant (Surender Kumar) seeking enhancement of compensation awarded vide Award dated 26.11.2014 passed by the Motor Accident Claims Tribunal, Gurgaon (for short 'MACT').

2. The appellant instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'MV Act') seeking compensation of Rs.15 lakhs on account of injuries suffered by him in a motor vehicular accident which took place on 10.09.2013.

3. The case of the appellant was that on 10.09.2013, he was going from Farrukh Nagar to his house at Budhera, Gurgraon on his motorcycle bearing Regn. No.HR26-BN-4064. At about 5.30 p.m., when he reached near Sultanpur Railway crossing, a vehicle bearing Regn. No.HR61-2690 (hereinafter referred to as the “offending vehicle”) driven by respondent No.1 (Shakti) came at a very high speed in a rash and negligent manner and hit the motorcycle of the appellant as a result of which, the appellant

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integrity of this document

suffered multiple and grievous injuries including head injury. The

motorcycle of the appellant was also damaged. The matter was reported to the police on 12.09.2013 and FIR No.254, dated 12.09.2013 was registered at Police Station Farrukh Nagar. The appellant was got admitted in Lord Krishna Hospital, Farrukh Nagar, Gurgaon by his nephew and remained admitted up to 29.09.2013. He further remained admitted in Tirath Ram Hospital w.e.f. 15.10.2013 to 30.10.2013. It was averred that he spent more than Rs.3 lakhs on medicines, diet, attendant and transportation etc. It was averred that at the time of the accident, the appellant was 42 years old and was having good health and physique. He was working as a Clerk/Munshi with Sh. Sunil Kumar Sharma, Advocate and was earning Rs.12,000/- per month. It was averred that due to the injuries sustained in the accident, he was not in a position to pursue his work properly and would have to remain dependent upon others. It was averred that the appellant was the sole bread earner of his family. Accordingly, a sum of Rs.15 lakhs was claimed as compensation.

4. Respondents No.1 and 2 (driver and owner of the offending vehicle) filed a joint written statement. The factum of the accident was denied. It was averred that a false FIR was got registered. It was also averred that the offending vehicle was insured with respondent No.3 and respondent No.1 was having a valid driving license at the time of the accident.

5. Respondent No.3 (insurance company) filed a separate written statement raising its usual defences. The factum of the accident was denied.

6. From the pleadings of the parties, following issues were framed:

“1. Whether the accident in question was caused by respondent No.1 while driving vehicle bearing Regn. No.HR61-2690 in a rash and negligent manner resulting injuries to Sh. Surender Kumar, as alleged?OPP

- 2. *If issue No.1 is proved, whether the petitioner is entitled to any compensation and if so, to what effect and from whom?OPP*
- 3. *Whether the respondent No.3 is liable to make payment of any compensation on account of alleged violation of terms and conditions of insurance policy?OPR*
- 4. *Relief.”*

- 7. Parties led their respective evidence.
- 8. On issue No.1, it was held that the accident had been caused on account of the rash and negligent driving of the offending vehicle by respondent No.1.
- 9. On issue No.2, i.e. the quantum of compensation, the MACT awarded the following compensation:-

Loss of income for three months	Rs.24000/- (Rs.8000/- X 3)
Compensation on account of actual medical bills/expenditure	Rs.1,95,863/-
Compensation on account of attendant charges	Rs.5,000/-
Compensation on account of special diet	Rs.10,000/-
Compensation on account of damages for pain and suffering	Rs.20,000/-
Total	Rs.2,54,863/-

- 10. Aggrieved by the grant of inadequate compensation, the present appeal was preferred.
- 11. I have heard learned counsel for the parties.
- 12. Learned counsel for the appellant (claimant) submits that the MACT granted inadequate compensation. It has been submitted that the appellant had suffered a severe head injury as a result of which, he remained admitted in hospital firstly from 10.09.2013 to 29.09.2013 and then from 15.10.2013 to 30.10.2013 and again from 02.07.2014 to 06.07.2014. Learned counsel has referred to the statement of Dr. Prem Chand (PW2). Reference has also been made to the discharge summary (Ex.P17) and other

documents produced on record to submit that the appellant had suffered a severe head injury as a result of which, he could not work properly for more than one year. She submits that in fact, the appellant is not able to work properly even today though, there is no evidence to that effect. Learned counsel submits that inadequate compensation has been awarded by the MACT on account of attendant charges, special diet, pain and suffering, loss of income and further no compensation has been granted for transportation etc.

13. *Per contra*, learned counsel for the respondent-insurance company, submits that no permanent disability was suffered by the appellant and, therefore, the compensation awarded by the MACT is adequate.

14. I have considered the submissions made by learned counsel for the parties.

15. No doubt, no permanent disability was suffered by the appellant. However, it has come on record that the appellant had suffered a head injury as a result of which he initially remained admitted in hospital from 10.09.2013 to 29.09.2013 and then from 15.10.2013 to 30.10.2013 and again from 02.07.2014 to 06.07.2014. It, therefore, means that for about one year, the appellant was having problems. In any case, he must not have been able to work properly for at least six months. The income of the appellant was assessed by the MACT as Rs.8,000/- per month. Therefore, since he must have not been able to work for about six months, the compensation to be awarded under that head would be Rs.48,000/- (Rs.8000/- x 6). There would be no change in the compensation on account of medical expenses, for, the bills produced were amounting to Rs.1,95,863/-. In so far as the attendant charges are concerned, the appellant must have required an

worker would also not be less than Rs.8,000/- per month at the time of accident, the attendant charges would come to Rs.48,000/- (Rs.8000/- X 6). Still further, on account of pain and suffering at least a sum of Rs.2 lakhs deserves to be awarded with the kind of injury that the appellant suffered. The compensation on account of special diet is also enhanced to Rs.25,000/- from Rs.10000/- as awarded by the MACT. As regards transportation charges, a sum of Rs.20,000/- is awarded for the same.

16. In view of the above, the compensation as assessed by this Court and that of the MACT is tabulated as under:-

Sr. No.	Heads	Assessed by the MACT	Enhanced by this Court
1.	Loss of income for three months	Rs.24000/- (Rs.8000/- X 3)	Rs.48000/- (Rs.8000/- x 6)
2.	Compensation on account of actual medical bills/expenditure	Rs.1,95,863/-	Rs.1,95,863/- (No change)
3.	Compensation on account of attendant charges	Rs.5,000/-	Rs.48000/- (Rs.8000/- x 6)
4.	Compensation on account of special diet	Rs.10,000/-	Rs.25,000/-
5.	Compensation on account of damages for pain and suffering	Rs.20,000/-	Rs.2,00,000/-
6.	Total	Rs.2,54,863/-	Rs.5,16,863/-

17. The total compensation as enhanced by this Court, therefore, comes to Rs.5,16,863/-. After deducting a sum of Rs.2,54,863/- as assessed by the MACT, the balance compensation comes to **Rs.2,62,000/-**. This amount would be payable in addition to the amount assessed by the learned MACT along with interest @ 7.5% per cent annually. The liability to pay the same would be as per the award.

18. The present appeal is accordingly disposed of.

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

(VIKRAM AGGARWAL)
JUDGE

December 03, 2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No