IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

FAO (MVA) No. 4132 of 2013

Decided on : 25.04.2026

Hem Raj ...Appellant

Versus

MD Punjab Bus Service and others ...Respondents

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?[1]

For the appellant:	**Mr. Rahul Anand Kapoor, Advocate, vice Mr. Arun Kaushal, Advocate.**
For the respondents:	**Ms. Ambika Kotwal, Advocate, for respondent No. 1.**
	None for respondents No. 2 and 4.
	Mr. R.K. Gautam, Senior Advocate, with Mr. Jai Ram Sharma, Advocate, for respondent No. 3.

Virender Singh, Judge (Oral)

Appellant-Hem Raj is not satisfied with the award dated 07.09.2012, passed by the Court of learned Motor Accident Claims Tribunal (Fast Track Court) Solan, H.P.

[1] Whether the reporters of Local Papers may be allowed to see the judgment?

(hereinafter referred to as 'the learned MACT'), in MACT petition No. 12FTC/2 of 2008, titled as 'Hem Raj Versus M.D. Punjab State Bus Stand Management Co. Ltd. & others'.

2. Vide award, dated 07.09.2012, while deciding the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the M.V. Act'), filed by the appellant, the learned MACT has awarded a sum of Rs. 17,000/-, along with interest, at the rate of 9% per annum, from the date of filing of petition till deposit of the awarded amount. The liability to pay the compensation, has been fastened upon respondents No. 1 and 2 of half of the awarded amount and remaining amount is directed to be paid by respondents No. 4 and 5, jointly and severally, to be deposited by them, within month, from the date of award.

3. For the sake of convenience, the parties to the present *lis*, are, hereinafter referred to, in the same manner, as were, referred to, by the learned MACT.

4. The petitioner is not satisfied with the awarded amount, as such, he has preferred the present appeal, seeking enhancement of the amount of compensation. The

amount of compensation has mainly been sought to be enhanced on the ground that it has been proved on record that the petitioner had suffered multiple injuries in the accident and remained admit in the hospital for head and chest injuries. In addition to this, according to the learned counsel for the appellant-petitioner, the compensation, under the various heads, has not been awarded by the learned MACT, as such, a prayer has been made to enhance the amount of compensation.

5. Perusal of the record shows that the learned MACT has not awarded the amount of compensation under various heads, which is required to be assessed, keeping in view the facts and circumstances of the case. Consequently, the entitlement of the petitioner is being assessed under various heads, as under:-

1. ***NON PECUNIARY DAMAGES*:

(a) PAIN AND SUFFERINGS:

6. As per the record, after the accident, petitioner was firstly taken to Civil Hospital Kandaghat, from where, he was referred to R.H. Solan, where, he remained admit for

three days i.e. he was admitted on 13.09.2007 and was discharged on 15.09.2007.

7. The said period of hospitalization must be traumatic and painful for the petitioner, for which, he is held entitled to a sum of Rs. 3,000/-.

(b) LOSS OF ENJOYMENT OF LIFE:

8. Considering the period of hospitalization of three days, coupled with the fact that the petitioner might have taken one month for convalescence, this Court is of the view that, during this period, the petitioner could not enjoy the life of a normal human being. As such, petitioner is held entitled for a sum of Rs. 5,000/-, under this head.

(c) SHORTEN EXPECTANCY OF LIFE:

9. There is nothing on record to demonstrate that on account of the injuries sustained/suffered by the petitioner, his life span has been shortened. As such, no amount of compensation is being awarded, under this head.

2. *PECUNIARY DAMAGES:*

(a) LOSS OF EARNING:

10. Considering the period of hospitalization for three days and the period of one month, which the petitioner might have taken for convalescence, as well as, considering the stand of the petitioner that he was earning Rs. 3,000/- per month, this Court is of the view that petitioner is entitled for a sum of Rs. 6,000/-, under the head 'loss of earning'.

(b) LOSS OF EARNING CAPACITY

11. There is no permanent disability to the petitioner, due to the accident, as such, no amount is being awarded to the petitioner, under the head 'loss of earning capacity'.

(c) MEDICAL EXPENSES:

12. Although, the petitioner has pleaded that he has spent Rs. 3,00,000/-, on his treatment, however, in the absence of any documentary evidence, the bald statement of the petitioner cannot be accepted as gospel truth and the amount claimed by the petitioner under medical expenses cannot be awarded.

13. Considering the period of hospitalization, it can be held that he might have spent Rs. 10,000/-, on his medical

treatment. Consequently, said amount is awarded to the petitioner, under the head 'medical expenses'.

(d) SPECIAL DIET AND ATTENDANT CHARGES:

14. Considering the fact that the petitioner remained hospitalize for three days and might have taken one month for convalescence, during that period, he might have taken assistance of a person in order to do the daily pursuits and might have taken the special diet, the petitioner is entitled for a sum of Rs. 6,000/-, under the head 'special diet and attendant charges'.

15. Considering all these facts, the petitioner is held entitled to a sum of Rs. 3,000/- + Rs. 5,000/- + Rs. 6,000/- + Rs. 10,000/- + Rs. 6,000/- = Rs. 30,000/-.

16. With these observations, the appeal is allowed by modifying the award passed by the learned MACT and the amount of compensation is enhanced from Rs. 17,000/- to Rs. 30,000/-, along with interest @ 7.5% per annum, from the date of filing of the petition, till the realization of the whole amount, with upto date interest. 50% amount be paid by respondents No. 1 and 2, jointly and severally, but

applying the principle that master is liable for the act of his servant, done during the course of employment, respondent No. 1 is ultimately held liable to pay 50% of the compensation amount, and the remaining 50% by respondents No. 4 and 5, jointly and severally, but respondent No. 5, being insurer of vehicle No. HP12A-6343, is ultimately held liable to pay the same.

17. However, keeping in view the facts and circumstances, there shall be no order so as to costs.

18. Memo of costs be prepared.

19. Pending application(s), if any, are also disposed of. Record be sent back.

(Virender Singh)
Judge

25th April, 2026
(Pramod Kumar)