



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

FAO-1841-2002 (O&M)

KHUSHWANT SINGH

VERSUS

KASHMIR SINGH AND OTHERS

.....Appellant

.....Respondents
2.

FAO-1842-2002

BHAGWANT SINGH

VERSUS

KASHMIR SINGH AND OTHERS

.....Appellant

.....Respondents

1.	Judgment reserved on	28.01.2026
2.	Judgment pronounced on	24.02.2026
3.	Judgment uploaded on	24.02.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced.	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	NA

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Argued by : Mr. J.S. Thakur, Advocate
for the appellant(s).

Mr. Maneet Kaushik, Advocate and
Mr. Mohit Kaushik, Advocate
for respondent No.1.

Mr. R.C. Kapoor, Advocate
for respondent No.3-United India Insurance Company Ltd.



YASHVIR SINGH RATHOR, J.

1. This judgment shall dispose of aforesaid two appeals which have been instituted against the Award dated 14.09.2001.

2. The appeal bearing **FAO No.1841 of 2001** has been instituted against the Award dated 14.09.2001 passed in MACT case No.41 of 2000 by Motor Accident Claims Tribunal, Kurukshetra in a petition under Section 166 of Motor Vehicles Act, 1988, vide which a sum of ₹3,09,000/- has been awarded as compensation to the claimant/appellant on account of injuries suffered by him in the accident which took place on account of rash and negligent driving on the part of respondent No.1 while driving offending truck bearing No.HR-01-7509, owned by respondent No.2 and insured with respondent No.3 and all the respondents have been held liable to pay compensation jointly and severally along with interest at the rate of 9% per annum.

3. The appeal bearing **FAO No.1842 of 2001**, has been instituted against the Award dated 14.09.2001 passed in MACT case No.39 of 2000 by Motor Accident Claims Tribunal, Kurukshetra in a petition under Section 166 of Motor Vehicles Act, 1988, vide which a sum of ₹37,000/- has been awarded as compensation to the claimant/appellant on account of injuries suffered by him in the accident which took place on account of rash and negligent driving on the part of respondent No.1 while driving offending truck bearing No.HR-01-7509, owned by respondent No.2 and insured with respondent No.3 and all the respondents have been held liable to pay compensation jointly and



severally along with interest at the rate of 9% per annum.

4. From the pleadings of all the parties, the following issues were framed and consolidated for both the petitions:

1. *Whether the accident in question took place on account of rash and negligent driving of Kashmir Singh, Respondent No.1, driver of truck no. HR-01-7509? O.P.P.*
2. *Whether petitioner Bhagwant Singh of M.A.C.T. case No.39 of 2000, suffered injuries in this accident and is entitled to claim compensation on account of the same? If so, to which extent and from whom? O.P.P.*
3. *Whether motorcycle no. HR-08B-1369 of Bhagwant Singh of M.A.C.T. case No.40 of 2000, suffered damage in this accident and he is entitled to claim compensation on account of the same. If so, to which extent and from whom? O.P.P.*
4. *Whether M.A.C.T. petitioner Khushwant Singh of case No.41 of 2000, suffered injuries in this accident and is entitled to claim compensation on account of the same. If so, to which extent and from whom? O.P.P.*
5. *Whether the insured violated the terms and conditions of the insurance policy. If so, to what effect? O.P.R.3.*
6. *Relief.”*

5. Thereafter, the parties led evidence in support of their respective case.

6. After hearing the parties, learned Tribunal held that the accident had taken place on account of rash and negligent driving on the



part of respondent No.1-Kashmir Singh while driving offending vehicle bearing Registration No.HR-01-7509. Resultantly, Tribunal held that appellant-Bhagwant Singh is entitled to compensation of ₹37,000/- in MACT Case No.39 of 2000 alongwith interest of 9% per annum from the date of filing of claim petition till realization, whereas, the appellant-Khushwant Singh was awarded compensation of a sum of ₹3,09,000/- in MACT Case No.41 of 2000, along with interest of 9% per annum from the date of filing of claim petition till realization.

7. Feeling aggrieved, the appeals in hand have been preferred. The material on file has been perused and parties have been heard.

8. The only issue required to be determined in the present appeals relates to assessment of compensation on account of the injuries suffered by claimants Bhagwant Singh and Khushwant Singh and therefore, the entire facts of the case with regard to the manner of accident are not required to be reproduced here for the sake of brevity as learned Tribunal has come to the conclusion under issue No.1 that accident in question had taken place on account of rash and negligent driving on the part of respondent No.1-Kashmir Singh, while driving the offending vehicle, which was owned by respondent No.2 and insured with respondent No.3 and respondents have been held liable to pay compensation, jointly and severally. The said finding on issues No.1 & 3 has not been assailed by the respondents either by filing any appeal or cross-objections, and same are accordingly affirmed.



Compensation in FAO-1842-2002, Bhagwant Singh Vs Kashmir Singh and Others, arising out of MACT No.39 of 2000:-

9. Coming to the issue No.2, case of claimant-Bhagwant Singh is that he had suffered multiple injuries in the accident including fractures and he remained admitted at PGI, Chandigarh as well as in the hospital of Dr. P.K. Soni at Kurukshetra. To prove his case, claimant-Bhagwant Singh himself stepped into witness-box as PW7 and deposed that he had suffered multiple fractures in the accident and he was shifted to L.N.J.P. Hospital, Kurukshetra and thereafter, to PGI, Chandigarh. However, he was taken to the hospital of Dr. P.K. Soni, Kurukshetra and he remained admitted in the said hospital for 5-6 days. He had undergone CT scan at Karnal and thereafter, he went to PGI, Chandigarh and remained admitted there for two days. He had suffered fractures of hip, skull and right leg and he followed up his treatment at PGI, Chandigarh.

10. Claimant has also examined PW1 Dr. P.K. Soni, who deposed that on 30.12.1999, patient Bhagwant Singh was admitted in his hospital on account of injuries suffered by him in a motor vehicular accident. Patient had suffered fracture of temporo-parietal bone and avulsion of tibial spine apart from other injuries. His MLR was conducted at LNJP Hospital, Kurukshetra and till 08.01.2000, patient remained admitted in his hospital and he had charged ₹2,500/- for hospitalization and consultation fee etc. but medicines were separately purchased by the patient.

11. PW2 Ram Singh, Medical Record Technician of PGI,



Chandigarh has also been examined who deposed that claimant remained admitted at PGI, Chandigarh from 11.01.2000 to 12.01.2000 and he tendered document Ex.PG, Ex.PH, Ex.PJ and report of CT scan. As such, from the testimony of PW1 Dr. P.K. Soni and PW2 Ram Singh, it is established that claimant had suffered grievous injuries. The Tribunal has awarded him a sum of ₹3,000/- for pain and sufferings. However, it is a matter of common knowledge that the fracture suffered in temporo-parietal region and avulsion of tibial spine take a long time to heal and pain component in such injuries is enormous. As such, the compensation under the head 'pain and sufferings' is grossly inadequate and claimant is accordingly held entitled to a sum of **₹20,000/-** on account of '**pain and sufferings**'.

12. Tribunal after assessing the evidence led on file came to the conclusion that from the bills placed on file, it is established that claimant had spent ₹15,133/- on his treatment. However, learned Tribunal observed that family members generally do not preserve all the bills at the time of treatment and awarded him a sum of ₹20,000/- on account of medical expenses which in my opinion has been correctly assessed and does not call for any interference.

13. It is a matter of common knowledge that such injuries take a long time to heal and claimant must have remained bed ridden at least for 3 months and during this period, he would not have able to do any job and taking his income to be around ₹2,500/- per annum, he is held entitled to a sum of **₹7,500/-** for '**loss of income**' as against ₹5,000/- awarded by the



Tribunal.

14. During the period of 3 months, claimant must have spent some amount on **special diet, in engaging an attendant and on transportation**. Tribunal has awarded a sum of ₹3,000/- under this head which also is liable to be enhanced and claimant is held entitled to a sum of **₹10,000/-** under this head. Accordingly, the compensation to be awarded to claimant is assessed as under:-

Sr. No.	Heads of Compensation	Compensation awarded by the Tribunal (₹)	Compensation reassessed by this Court (₹)
1.	Pain and Sufferings	3,000/-	20,000/-
2.	Loss of income	5,000/-	7,500/-
3.	Special diet, attendant and transportation charges	3,000/-	10,000/-
4.	Medical expenses	20,000	20,000/-
	Total Compensation	31,000/-	57,500/-

15. As a result of afore-said discussion, the claimant is held entitled to enhanced compensation of **₹26,500/-** (₹57,500/- - ₹31,000/-) over and above the compensation awarded by the Tribunal.

Compensation in FAO-1841-2002, Khushwant Singh Vs Kashmir Singh and Others, arising out of MACT No.41 of 2000:-

16. Coming to issue No.4, case of the claimant-Khushwant Singh is that he had suffered grievous injuries in the accident. To prove his case, claimant-Khushwant Singh has stepped into the witness box as PW3. He has also examined PW1 Dr. P.K. Soni, PW5 Dr. Himanshu Anand and PW6 Dr. G.D. Mittal. PW1 Dr. P.K. Soni, Orthopaedic



Surgeon, Soni Hospital, Kurukshetra, deposed that on 30.12.1999, injured Khushwant Singh was admitted in his hospital on account of multiple injuries/fractures suffered by him in a motor vehicular accident at Umri Chowk, Kurukshetra. Patient was operated upon as he had suffered fracture of shaft femur of right arm, fracture tibial condyle right side, fractures of both bones of right leg with foot drop right side, fracture ulna right side and on first sitting, it was found that his right lower limb was cold and clammy. For the same, multiple fasciotomies were conducted under general anesthesia and he was discharged on 14.01.2000. Patient was again admitted in the hospital on 16.01.2000 and was operated upon for shaft femur and open reduction and internal fixation was done with k-nail and encirculage wiring and he was discharged on 21.01.2000. Thereafter, patient was again admitted in his hospital on 02.02.2000 for skin grafting on the right leg and was discharged on 15.02.2000. He led in evidence x-ray report Ex.PF as well as documents Ex.PC, Ex.PD and Ex.PE showing the said admissions, treatment and discharge. He stated that he had charged ₹26,000/- from the patient which included charge for hospitalization, consultation fee and operation charges but it does not include the amount spent on purchase of medicines and special diet. He further stated that he had advised claimant to undergo open reduction for leg but patient did not come for follow up treatment.

17. PW5 Dr. Himanshu Anand deposed that claimant was admitted in his hospital on 07.05.2000 on account of old fracture and he remained admitted in the hospital upto 28.05.2000. He conducted surgery



and had charged ₹12,330/- from the patient which did not include the amount spent in purchasing medicines and on special diet. Patient was discharged and was advised follow up and visit him. On 14.09.2000, patient was again admitted in his hospital for removal of implant and remained admitted there till 19.09.2000 and he had charged ₹2,900/- for the hospitalization and surgery which did not include the amount spent in purchasing the medicines. He further stated that claimant was advised to follow up the treatment at the time of discharge and since the claimant had suffered injuries of right lower limb with neurovascular compromise, he still had fixed deformity of knee and ankle with claw deformity toes, with absent active toe movements and with sensory deficit loss. He has also proved Ex.PL, Ex.PL/1 to Ex.PL/10, discharge slips, bills and diagnosis reports. As such, from the testimony of PW5, it is established that claimant had suffered multiple fractures and was operated upon on numerous occasions. Tribunal has awarded him a sum of ₹10,000/- only for 'pain and sufferings', which in my opinion is grossly inadequate. It is a matter of common knowledge that multiple fractures take a long time to heal. Accident had taken place in December 1999 and claimant was lastly operated upon in the hospital of Dr. Himanshu Anand in September 2000, which shows that he remained under treatment for about 10 months. It is a matter of common knowledge that pain component in such injuries is enormous as they take a long time to heal and accordingly, claimant is held entitled to sum of **₹50,000/-** on account of '**pain and sufferings**'.

18. As per version of claimant, he had become permanently



disabled. To prove his disability, claimant has examined PW6 GD Mittal, who deposed that on 18.04.2000, he along with Dr. R.C. Bhutani, Civil Surgeon and Dr. D.S. Saini, SMO of LNJP Hospital, Kurukshetra had examined the patient and found him to be suffering from 56% disability on account of limitation of movements of right knee, limitation of movements of right ankle and partial loss of sensation of right lower leg and right foot as detailed in disability certificate Ex.PM. He deposed that the disability may or may not improve and learned Tribunal awarded a sum of ₹1,25,000/- in lumpsum as compensation on account of permanent disability. However, the compensation to be awarded to the claimant under the head 'loss of income', has to be assessed keeping in view the percentage by which his earning capacity has been diminished and by applying a suitable multiplier in view of law laid down by Hon'ble Supreme Court in 2010(4)PLR242 **Yadava Kumar Vs. The Divisional Manager, National Insurance Company Limited**. Hon'ble Supreme Court in 2013 (3) RCR (Civil) 934 - **G.Ravindranath @ R. Chowdary Vs. E. Srinivas and another** has held that in a case of accident resulting in injuries to the victim, the compensation in personal injury cases should be determined under the following heads:-

Pecuniary damages (Special damages)

- (i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing expenditure. food and miscellaneous
- (ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:



- (a) Loss of earning during the period of treatment;
- (b) Loss of future earnings on account of permanent disability
- (iii) Future medical expenses.

Non-pecuniary damages (General damages)

- (iv) Damages for pain, suffering and trauma as a consequence of the injuries.
- (v) Loss of amenities (and/or loss of prospects of marriage).
- (vi) Loss of expectation of life (shortening of normal longevity).

In routine personal injury cases, compensation will be awarded under heads (i), (ii) (a) and (iv) It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant that compensation will be granted under any of the heads (ii) (b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life.

19. In the present case also, the disability suffered by claimant has affected the movements of his right knee, right ankle and partial loss of sensation of right lower leg and right foot and as such, the disability suffered by him will certainly diminish his earning capability as is he will not be able to do his job or routine work in the same manner.

20. In the medical record placed on file, the age of the injured Khushwant Singh is mentioned as 25 years but while appearing in the witness box, he stated his age to be 28 years. He was examined one



and half years after the accident and as such, he was around 26 years of age on the date of accident. No authentic proof regarding income and occupation of claimant has been brought on record. However, Hon'ble Supreme Court in 2015(1) Law Herald (SC) 105, **Smt. Neeta Vs. Div. Manager, MSRTC, Kolhapur**, has held that in the absence of salary slip/certificate, the Court should assess monthly income keeping in view the notification under Minimum Wages Act as applicable at the relevant time and as such, minimum wages fixed by the State Government have to be taken into consideration to assess the monthly income of the deceased. The accident had taken place in December 1999 and even the labourers used to earn around ₹2,500/- per month during that period and accordingly, his income is taken as ₹2,500/- per month. Since the claimant was around 26 years of age on the date of accident, 40% of amount has to be added to his monthly income towards future prospects in view of law laid down in 2014 (1) RCR (Civil) 914 **Sanjay Verma Vs. Haryana Roadways** and 2017(4) RCR (Civil) 1009 **National Insurance Company Vs. Pranay Sethi and Ors.** and after adding the same, his monthly income comes out to **₹3,500/-** per month (₹2,500/- + 1000/-).

21. Claimant has suffered permanent disability to the extent of 56% and the annual loss of income will thus come to ₹1,960/- (3500 X 56/100) and annual loss of income will come out to ₹23,520 per annum (₹1,960/- X 12).

22. The claimant was 26 years of age and in view of law laid down in **Pranay Sethi's case (supra)** and **Smt. Sarla Verma's case**



(supra), the multiplier of 17 has to be applied which takes the compensation to ₹3,99,840/- on account of 'loss of income' due to permanent disability (rounded to ₹4,00,000/-).

23. It must have taken at least one year for the injuries to heal and during this period, claimant would not have been able to do any work and accordingly, he is held entitled to a sum of ₹30,000/- (₹2,500 X 12) on account of 'loss of income during the period of treatment'. During this period of one year, he must have engaged an **attendant**, spent some amount on **transportation** and on **special diet**. Tribunal has awarded only a sum of ₹10,000/- each under these heads and same is enhanced to ₹50,000/- in all.

24. Claimant has suffered fracture of shaft femur of right arm, fracture tibial condyle right side, fractures of both bones of right leg with foot drop right side, fracture ulna right side and on first sitting it was found that his right lower limb was cold and clammy. Accordingly, he is also held entitled to a sum of ₹40,000/- on account of 'loss of amenities'.

25. Tribunal after assessing the evidence led on file came to the conclusion that from the bills placed on file, it is established that claimant had spent ₹83,253/- on his treatment. However, learned Tribunal observed that family members generally do not preserve all the bills at the time of treatment and awarded him a sum of ₹1,00,000/- on account of expenses incurred on treatment besides ₹24,000/- for expenses for future treatment which in my opinion has been correctly assessed and does not call for any interference.



26. Accordingly, the compensation to be awarded to claimant is assessed as under:-

Sr. No.	Heads of Compensation	Compensation awarded by the Tribunal (₹)	Compensation reassessed by this Court (₹)
1.	Pain and Sufferings	10,000/-	50,000/-
2.	Permanent Disability / Loss of Future Income	1,25,000/-	4,00,000/-
3.	Future Treatment	24,000/-	24,000/-
4.	Loss of Income during Treatment	20,000/-	30,000/-
5.	Attendant, Transportation & Special Diet	30,000/- (10,000/- each)	50,000/-
6.	Loss of Amenities	NIL	40,000/-
7.	Medical Expenses	1,00,000/-	1,00,000/-
	Total Compensation	3,09,000/-	6,94,000/-
	Interest	9%	9%

27. As a result of afore-said discussion, the appellant is held entitled to enhanced compensation of ₹3,85,000/- (₹6,94,000/- - ₹3,09,000/-) over and above the compensation awarded by Tribunal.

28. Resultantly, both the appeals in hand are partly accepted with costs and appellant-Bhagwant Singh in FAO-1842-2002 is held entitled to enhanced compensation of ₹26,500/- and appellant-Khushwant Singh in FAO-1841-2002 is held entitled to enhanced compensation of ₹3,85,000/-, payable by respondents No.1 to 3, jointly and severally,



along with interest @ 9% per annum, from the date of filing of claim petitions i.e. 23.02.2000, till realization.

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

30. Photocopy of this order be placed on the file(s) of connected case(s).

24.02.2026
Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No