



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 19.05.2026

214(1) FAO-4125-2002

MAHENDER SINGH

....Appellant

VERSUS

RAM KUMAR AND OTHERS

...Respondents

214(2) FAO-4124-2002 (O&M)

BAHADUR SINGH (SINCE DECEASED) THROUGH HIS LRS

....Appellants

VERSUS

RAM KUMAR AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Sandeep Kotla, Advocate and
Mr. Anuj Gupta, Advocate
for the appellant(s).

Service of respondent No.1dispensed with
vide order dated 27.02.2026.

Mr. Mohit Rana, Advocate
for respondent No.2.

Mr. Suvir Dewan, Advocate
for respondent No.3-Insurance Company in both cases.

YASHVIR SINGH RATHOR. J.(Oral)

CM-15188-CII-2002 IN FAO-4124-2002

The present application has been filed under Section 151 of CPC to
condone the delay of 34 days in re-filing the appeal.



In view of the reasons mentioned in the application, the same is allowed and the delay of 34 days in re-filing the appeal is condoned.

Application stands disposed of.

FAO-4125-2002 WITH FAO-4124-2002 (O&M)

1. The aforesaid two appeals have been instituted against the Award dated 21.02.2002 passed by Motor Accident Claims Tribunal, Gurgaon (**for short “Tribunal”**) in the petitions under Section 166 of Motor Vehicles Act, 1988, filed by the appellants/claimants, seeking compensation on account of injuries suffered by Mahender Singh and Bahadur Singh in a motor vehicular accident. Since both the appeals have arisen against the common award, the same are being decided together by way of this judgment.

2. Claim petition No.318 of 25.02.1997, titled Mahender Singh Vs. Ram Kumar and others was instituted by claimant-Mahender Singh, for grant of compensation on account of injuries suffered by him in a motor vehicular accident due to rash and negligent driving on the part of respondent No.1-Ram Kumar, while driving offending truck No.HR-21-3747, owned by respondent No.2 and insured with respondent No.3.

3. Claim petition No.319 of 25.02.1997, titled Bahadur Singh Vs. Ram Kumar and others was instituted by claimant-Bahadur Singh, for grant of compensation on account of injuries suffered by him in the same accident.

4. From the pleadings of parties, following issues were framed by learned Tribunal:-

“1. Whether the accident in question took place due to the rash and negligent driving of truck No.HR-21-3747 by respondent



No.1 as alleged in the petitions?OPP.

2. *If issue No.1 is proved, whether petitioners Mahender, Inderwati and Bahadur sustained injuries in accident as alleged in the petitions? OPP.*
3. *If issues No.1 and 2 are proved, whether the petitioners are entitled for compensation, if so to what amount and from whom? OPP.*
4. *Whether respondent no.1 had no valid and effective driving licence to drive the truck on the date and time of accident? OPR-3.*
5. *Whether the petitions are not maintainable in the present from against respondent No.3?OPR-3*
6. *Whether respondent No.1 and had contravened any term and condition of the insurance policy?OPR-3.*
7. *Relief.”*

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

6. After hearing the parties and on going through the material on file, learned Tribunal awarded a sum of Rs.15,000/- as compensation to claimant-Mahender Singh, on account of injuries suffered by him. A sum of Rs.80,000/- was awarded as compensation to claimant-Bahadur Singh on account of injuries suffered by him along with interest @ 9% per annum from the date of filing of claim petitions till realization payable by respondent No. 3-Insurance Company.

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

8. The only issue required to be determined in the present appeals relates to the assessment of compensation. Therefore, the entire facts regarding the manner of the accident are not required to be reproduced in detail, as the



Tribunal has already held under Issue No.1 that the accident had occurred due to the rash and negligent driving on the part of respondent No.1, while driving offending truck No.HR-21-3747, which was owned by respondent No.2 and insured with respondent No.3. No appeal or cross-objections have been filed by respondents, challenging the said finding and accordingly finding on issue No.1 is not required to be interfered with.

9. Learned counsel for the appellant in FAO-4125-2002 argued that the Tribunal has not appreciated the facts of the case and evidence on file in the correct perspective while assessing the compensation which is grossly inadequate. The claimant has been awarded a total compensation of Rs.15,000/- on account of pain and sufferings and expenses incurred on treatment. Learned counsel further argued that the compensation has not been awarded for the pecuniary and non-pecuniary damages as per settled law. Learned counsel prayed that impugned award is thus liable to be modified and appellant- Mahender Singh is entitled to enhanced amount of compensation.

10. Learned counsel for the appellant in FAO-4124-2002 argued that the Tribunal has not appreciated the facts of the case and evidence on file in the correct perspective while assessing the compensation which is grossly inadequate. The claimant had suffered 40% permanent disability and he has been awarded a total compensation of Rs.80,000/-, for pain and sufferings, medical expenses, and permanent disability. Learned counsel further argued that no compensation has been awarded under the heads of transportation, loss of income, nutritious diet and attendant charges, whereas on account of permanent disability suffered by him, the claimant will suffer 'loss of income' in future as well and adequate



compensation has not been awarded under pecuniary and non-pecuniary heads. Learned counsel prayed that impugned award is thus liable to be modified and appellant is entitled to enhanced amount of compensation. In support of his contentions, learned counsel for the appellants has relied upon 2014 (1) RCR (Civil) 914 **Sanjay Verma Vs. Haryana Roadways**, 2009(6) SCC 121 **Sarla Verma and others Vs. Delhi Transport Corporation and Another** and 2017 (16) SCC 680 **National Insurance Co. Ltd Vs. Pranay Sethi and Others**.

11. On the other hand, learned counsel for respondent No.3 argued that the award in question in both appeals is well reasoned and justified. The material on file has been appreciated in the correct perspective while assessing the compensation and no interference in the same is thus called for.

12. The law is well settled that the compensation to be awarded for injuries suffered by victim in a motor vehicular accident should be just and equitable. Courts have consistently held that while money cannot erase the pain, suffering, or trauma but it is the only legal means to provide restitution and restore the victim to his previous position as far as possible for which 'just compensation' has to be assessed. It is also well settled that while it is impossible to fully compensate for the loss of limb, life, or quality of life, the compensation must be 'Just', meaning thereby, that it should be fair, reasonable, and equitable based on the evidence and not merely a 'Windfall' or a 'Pittance'. The core objective is to put the injured/victim in the same position he would have been if the accident had not taken place, to the extent money can do so. This approach ensures that the law provides a realistic recompense for the trauma endured, rather than just providing normal relief.



13. Besides this, 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.



14. **Compensation in FAO-4125-2002, Mahender Singh Vs. Ram Kumar and others, arising out of MACT No.318 of 25.02.1997:-**

15. As per version of claimant-Mahender Singh, he had suffered fracture in his right foot and remained admitted in the hospital for some time. A huge amount was spent on his treatment, in engaging an attendant and transportation. Tribunal after appreciating the evidence on file awarded a sum of Rs.10,000/- on account of pain and sufferings and Rs.5,000/- towards expenses incurred on treatment and total compensation of Rs.15,000/- was awarded to him.

16. However, the compensation awarded by the Tribunal is grossly inadequate as the same has not been awarded for all the pecuniary and non-pecuniary heads and requires re-assessment. Since the claimant had suffered fracture in his right foot and plaster was applied, it must have taken at least three months for the injuries to heal. Taking into consideration the severity of injuries, claimant is held entitled to a sum of **Rs.15,000/-** on account of **‘pain and sufferings’**.

17. Claimant has been awarded a sum of Rs.5,000/- on account of expenses incurred on treatment. Though no bills had been led in evidence to prove the actual expenditure incurred on treatment, yet some amount of guesswork has to be applied as it is a matter of common knowledge that the attendants generally do not preserve the bills relating to the expenditure incurred on treatment and accordingly, claimant is held entitled to a sum of **Rs.7,500/-** on account of **‘expenses incurred on treatment’**.

18. The accident had taken place in the year 1996 and even labourers used to earn around Rs.1,500/- per month during those days. It must have taken



at least three months for the injuries to heal and during this period, claimant would not have been able to do any job and must have suffered loss of income and he is entitled to a sum of **Rs.4,500/-** on account of ‘**loss of income during the period of treatment**’ besides **Rs.3,000/-** towards ‘**nutritious diet**’ and **Rs.3,000/-** towards ‘**transportation charges**’.

19. Resultantly, the compensation to be paid to claimant is assessed as under:-

Sr. No.	Head of Compensation	Amount Awarded
1.	Pain and suffering	Rs.15,000/-
2.	Medical and treatment expenses	Rs.7,500/-
3.	Loss of income during treatment period (3 months @ Rs.1,500/- per month)	Rs.4,500/-
4.	Nutritious diet	Rs.3,000/-
5.	Transportation charges	Rs.3,000/-
	Total Compensation	Rs.33,000/-
	Interest	9%

20. Accordingly, enhanced compensation payable to claimant comes to **Rs. 18,000/- (Rs.33,000/- - Rs.15,000/-)**.

21. **Compensation in FAO-4124-2002, Bahadur Singh Vs. Ram Kumar and others, arising out of MACT No.319 of 25.02.1997 :-**

22. As per version of claimant-Bahadur Singh, he had suffered multiple injuries including fractures. He had suffered 40% permanent disability on account of injuries sustained by him. Claimant has examined PW6 Dr. Akhlak Ahmed, who deposed that on 19.10.1996, he was posted in G.H. Gurgaon, where patient remained admitted from 19.10.1996 to 21.12.1996 for compound fractures of the upper one-third of both bones of the right leg with secondary infection. Thereafter, he was referred to Medical College, Rohtak for further management and he



tendered the discharge summary Ex.PC.

23. The record of PGIMS, Rohtak pertaining to admission and discharge has been placed on file, which shows that claimant had suffered fracture of both bones of left leg and he was operated upon. Thereafter, he was again admitted at PGIMS, Rohtak on 30.09.1997 and discharged on 18.10.1997 due to infection in the bone where plate was inserted. Another surgery was performed and the plate/implant was removed. Claimant is thus proved to have suffered grievous injuries for which he was operated upon.

24. Besides the record of treatment at PGIMS, Rohtak, he also remained admitted in the Diwakar Nursing Home. Claimant has also examined PW4 Dr. Vijay Diwakar, who deposed that patient came to his hospital on 26.03.1997 with the history of old compound fractures of both bones of right leg in its upper one-third. Earlier, he was treated at Government Hospital, Gurgaon and thereafter, at Medical College Rohtak. He had undergone butterss plating done one and a half months ago and he came to his hospital with multiple discharging sinuses. He again came to the hospital on 25.02.1998, when the wound was curetted under local anaesthesia. On 28.04.1998, the bone was again curetted under local anaesthesia and he tendered the medical record Ex.PA and Ex.PB. As such, it is established that claimant had suffered both fractures of both bones of the right leg and he was operated upon several times and he remained under treatment for around one and a half years from 19.10.1996 to 28.04.1998. However, Tribunal has awarded him only a sum of Rs.20,000/- on account of pain and sufferings, which in my opinion is grossly inadequate and accordingly, claimant is held entitled to a sum of **Rs.50,000/-** on account of ‘**pain and sufferings**’.



25. The disability certificate of claimant issued by Lok Nayak Jai Parkash Narayan Hospital, Delhi has also led in evidence as Ex.PD, according to which the claimant has suffered about 40% of permanent disability on account of stiffness in right knee, which will certainly diminish his earning capabilities and the avocation or profession he will pursue. The compensation under the head 'loss of income' thus has to be assessed keeping in view the percentage by which his earning capability has been diminished and by applying a suitable multiplier in view of law laid down by Hon'ble Supreme Court in 2010(4) PLR 242 **Yadava Kumar Vs. The Divisional Manager, National Insurance Company Limited.**

26. Claimant- Bahadur Singh examined himself as PW5 and deposed that he is unable to work properly and lift any weight. He stated that he used to run a school which is now closed since the year 1996. However, no evidence regarding running of any school has been led by the claimant and he thus has to be treated as a labourer and his monthly income has to be assessed as per minimum wages prevalent during those days. The accident had taken place on 19.10.1996 and during those days, even labourers used to earn around Rs.1,500/- per month and his income is accordingly taken as Rs.1,500/- per month.

27. While deposing on 25.09.2001, he had disclosed his age to be 46 years, meaning thereby, he was 46 years of age on the date of accident. Accordingly, 25% of amount has to be added to his monthly income towards future prospects in view of law laid down in **Sanjay Verma's case (supra)** and **Pranay Sethi's case (supra)** and after adding the same, his monthly income comes out to **Rs.1,875/- per month (Rs.1,500/- + Rs.375/-).**

28. Claimant has suffered permanent disability to the extent of 40% and



the monthly loss of income will thus come to **Rs.750/- (Rs.1,875/- X 40%)** and 'annual loss of income' will come out to **Rs.9,000/- per annum (i.e. Rs.750/- X 12)**.

29. The claimant was 46 years of age and in view of law laid down in **Pranay Sethi's case (supra)** and **Sarla Verma's case (supra)**, multiplier of 13 has to be applied which takes the compensation to **Rs.1,17,000/- (Rs.9,000/- X 13)** on account of 'loss of income' due to permanent disability.

30. Claimant remained under treatment for one and a half years and it took a long time for the injuries to heal and during this period, claimant would not have been able to do any work and has suffered loss of income. His income has been held to be Rs.1,500/- per month and accordingly, he is held entitled to a sum of **Rs.27,000/- (Rs.1,500/- X 18)** on account of 'loss of income during the period of treatment'.

31. During this period of one and a half years, he must have engaged an attendant, spent some amount on transportation and on special diet. Accordingly, claimant is held entitled to a sum of **₹10,000/-** towards **engaging an attendant**, a sum of **Rs.10,000/-** towards 'transportation charges' and a sum of **Rs.12,000/-** towards 'special diet'.

32. However, the amount awarded for medical expenses is adequate and no interference in the same is called for.

33. Resultantly, the compensation to be awarded by this Court is assessed as under:-



Sr. No.	Head	Tribunal	This Court
1.	Permanent disability	Rs.40,000/-	Rs.1,17,000/-
2.	Pain & suffering	Rs.20,000/-	Rs.50,000/-
3.	Transportation	Nil	Rs.10,000/-
4.	Loss of income (during treatment)	-NIL-	Rs.27,000/-
5.	Special diet	-NIL-	Rs.12,000/-
6.	Medicines	Rs.20,000/-	Rs.20,000/-
7.	Engaging an attendant	-NIL-	Rs.10,000/-
	Total	Rs.80,000/-	Rs.2,46,000/-
	Interest	9%	9%

34. Accordingly, enhanced compensation payable to claimant comes to Rs.1,66,000/- (**Rs.2,46,000/- - Rs.80,000/-**).

35. As a result of aforesaid discussion, both the aforesaid appeals are partly accepted with costs.

36. In FAO-4125-2002, appellant-Mahender Singh is held entitled to a sum of Rs.18,000/- as enhanced compensation over and above the compensation awarded by the Tribunal along with interest at the rate of 9% per annum from the date of filing of claim petition i.e. 25.02.1997 till realization payable by respondent No.3.

37. In FAO-4124-2002, appellant Bahadur Singh is held entitled to a sum of Rs.1,66,000/- as enhanced compensation over and above the compensation awarded by the Tribunal along with interest at the rate of 9% per annum from the date of filing of claim petition i.e. 25.02.1997 till realization payable by respondents No.3. Since, appellant/claimant-Bahadur Singh has died during pendency of appeal, the compensation qua his share along with interest be given to



his legal heirs, who have already been impleaded as his LR's in the present appeal.

38. The payments to the appellants shall be deposited in their bank accounts to be provided by them.

39. Registry is directed to email the authenticated copy of the award to the respondent Insurance Company in terms of directions issued by the Hon'ble Supreme Court in Writ Petition (Civil) No.534 of 2020 titled **Bajaj Allianz General Insurance Company Versus Union of India and others**, decided on 16.03.2021 and Insurance Company shall comply with the directions as issued under Clause (F) of the said judgment.

40. A photocopy of this order be placed on the file of the connected case.

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

19.05.2026

Priyanka Thakur

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

(YASHVIR SINGH RATHOR)
JUDGE