

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

CM-8119-CII-2026 in/and**FAO-994-2025****Date of decision: 27.04.2026****Sunder @ Surender Singh**

. . . . Appellant

Vs.

Surjit Singh and another

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr.Shiv Kumar Rana, Advocate, for the appellant.

DEEPAK GUPTA, J. (ORAL)**CM-8119-CII-2026**

This is an application under Order 41 Rule 19 read with Section 151 CPC for restoration of the main case i.e. FAO-994-2025, which was dismissed in default for want of prosecution on 23.03.2026.

2. For the reasons mentioned in the application, which is supported by affidavit of the counsel, the same is allowed. Order dated 23.03.2026 is recalled and main case i.e. FAO-994-2025 is restored to its original number and is taken on board today itself for hearing on merits.

FAO-994-2025

3. Appellant herein is the injured-claimant, who has sought modification of the award dated 06.11.2024 passed by MACT, Bhiwani, on the quantum of compensation.

4. As perusal of record would reveal that appellant sustained injuries in a motor vehicular accident, which took place on 15.02.2019 due to rash and negligent driving of car bearing Registration No.HR-19J-8751. Compensation was claimed under Section 166 of the Motor Vehicles Act, 1988 against driver-cum-owner and insurer of the offending vehicle. Learned Tribunal has awarded compensation at ₹1,94,000/- holding both the respondents to be jointly and severely liable to pay the amount alongwith interest. The only

contention raised by learned counsel is that though the appellant-claimant remained hospitalized for 32 days, but nothing has been paid towards loss of income. It is also argued that amount awarded under the head of special diet is inadequate.

5. This Court has gone through the record.
6. It is conceded by learned counsel that the appellant was working in a private company. However, there is no proof regarding deduction of any salary by the employer of the appellant.
7. Perusal of the MLR, as shown by the appellant, would reveal that there was no injury qua the mouth so as to take any special diet. Injuries on the person were on the legs and ankle. As such, ₹10,000/- as special diet awarded by the Tribunal is not considered to be inadequate amount. The Tribunal has already compensated the claimant for the amount spent on the medical expenses. ₹50,000/- has also been awarded for hospitalization, pain and suffering etc.
7. After going through the entire record, this Court does not find the amount of compensation awarded by the Tribunal to be inadequate under the head of special diet or any other head.
8. No merits. Dismissed.

27.04.2026

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>