



FAO No.845 of 2002(O&M)

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

(227)

FAO No.845 of 2002(O&M)

Date of Decision-28.04.2026

Sumer Chand

... Appellant

Versus

Tara Chand And Others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Ms. Lipika, Advocate for
Mr. R.S.Mamli, Advocate
for the appellant.

Mr. D.P. Gupta, Advocate,
Mr. Shubham Gupta, Advocate
for the respondent No.4/Insurance Company.

VIRINDER AGGARWAL, J.

1. The present appeal has been preferred by the appellant seeking enhancement of the compensation awarded vide award dated 26.07.2001 passed by the learned Motor Accident Claims Tribunal, Jagadhri, on account of the injuries sustained by Sumer Chand in a motor vehicular accident.

BACKGROUND FACTS

2. The brief facts of the case are that on 11.08.1999, the appellant-claimant Sumer Chand was travelling on a tractor-trolley bearing registration No. HR02D-7153, loaded with wooden logs. The said tractor-trolley was being driven by respondent No.1, Tara Chand, in a rash and negligent manner. When it reached the culvert near Village Manakpur, the tractor-trolley struck a pillar standing on the northern-western side of the culvert due to rash and negligent driving. This caused a heavy jolt, the tractor-trolley took a heavy jump, and the



wooden logs fell upon the appellant and one Babu Ram (who unfortunately succumbed to his injuries in the same accident). The appellant was buried under the wooden logs and sustained multiple injuries. On account of the injuries suffered in the accident, the claimant filed a petition under Section 166 of the Motor Vehicles Act before the learned Motor Accident Claims Tribunal, Jagadhri, seeking compensation for the injuries suffered by him. After appreciating the evidence led by the parties, the learned Tribunal awarded a sum of ₹3,000/- as compensation along with interest at the rate of 9% per annum from the date of filing of the claim petition till realization. The respondents were held jointly and severally liable to pay the awarded amount.

CONTENTIONS

3. Learned counsel for the appellant argued that the compensation awarded by the learned Tribunal is grossly inadequate and inconsistent with settled principles for determining just compensation. It was submitted that the learned Tribunal has failed to award appropriate amounts under several significant heads. In particular, insufficient compensation has been granted towards medical expenses, pain and suffering, and other consequential expenses incurred by the appellant on account of the injuries sustained in the accident. Learned counsel also submitted that no reasonable amount has been awarded towards loss of amenities of life, transportation expenses, attendant charges and special diet. On these grounds, it was urged that the compensation awarded by the learned Tribunal deserves to be suitably enhanced so as to ensure the grant of fair and reasonable compensation to the appellant.

4. Learned counsel for the respondent No.4 supported the award of the learned Tribunal, contended that the award had been passed after a proper and thorough appreciation of the evidence on record and therefore, did not warrant



any interference by this Court.

OBSERVATIONS AND FINDINGS

5. I have heard learned counsel for the parties and perused the complete records. On due consideration of the findings recorded by the learned Tribunal, particularly on the issue of negligence and fastening of liability, I find no reason to take a different view. However, the core issue arising in this appeal pertains to the reassessment of the quantum of compensation. The reassessment is, therefore, undertaken as under:

6. In the injury cases, the amount of compensation has to be evaluated in accordance with the principles recognised in *Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343*, wherein the Hon'ble Supreme Court has classified the heads of compensation separately for pecuniary and non-pecuniary damages, including medical expenses, loss of income during treatment, future loss of earning capacity, transportation, pain and suffering and loss of amenities. The quantum in this case, therefore, warrants re-examination by considering the nature of injuries, duration of hospitalisation and other attending circumstances as reflected in the respective records.

7. A perusal of the record indicates that the appellant-claimant Sumer Chand sustained multiple (9) injuries in the motor vehicular accident which occurred on 11.08.1999. The medico-legal report (Ex. P9) and testimony of Dr. D.P. Singh (PW6) established that X-rays were advised for injury Nos. 1 and 3, and most of the injuries were internal. The appellant remained admitted in Civil Hospital, Jagadhri, for 4-5 days (as per his testimony and pleadings). He suffered great pain and agony, and was buried under heavy wooden logs, which caused significant trauma. Further, the medical evidence, including bills proved through Subodh Kumar (PW3) (Ex. P5 to P8 and P10 to P13), demonstrates



that the injuries suffered by the appellant were serious in nature and necessitated prolonged medical care, rest, and recuperation. Though the doctor described the injuries as "simple" in nature, the multiplicity of injuries, internal trauma, and the testimony of the injured claimant (PW5) regarding inability to work for more than 2 months cannot be ignored.

8. Further, the record indicates that the appellant incurred expenses toward medical treatment and the purchase of medicines during the course of his treatment. He deposed that he had spent approximately ₹15,000. However, the medical bills and receipts placed on record (Ex. P5-P8 and Ex. P10-P13) show that he actually incurred ₹1,400 toward medical expenses. Therefore, the amount of ₹1,500 awarded by the learned Tribunal has been rightly granted. Moreover, the evidence establishes that the appellant was working as an unskilled labourer and, on account of the injuries sustained in the accident, remained under treatment and was unable to work. In the absence of strict documentary proof of income, the notional income of an unskilled labourer at the relevant time can reasonably be assessed at ₹2,000/- per month, and the loss of earnings during the period of treatment and recuperation, which was necessitated solely due to the accident-related injuries, deserves to be duly taken into consideration while determining just compensation.

9. Moreover, a perusal of the record reveals that the appellant suffered multiple injuries with internal trauma. Although there is no formal disability certificate quantifying permanent disability in percentage terms on record, the nature of injuries, multiplicity (9 injuries), prolonged recovery, and impact on a manual labourer would inevitably cause certain difficulties, discomfort, restriction in movement, and limitation in his day-to-day life and work capacity.

Such injuries impact his overall physical well-being and enjoyment of normal



amenities of life. Therefore, the appellant would be entitled to reasonable and just compensation for the pain and suffering, inconvenience, and limitation caused by the injuries.

10. Having regard to the nature of injuries suffered by the appellant (9 multiple injuries, including those requiring X-ray), the surgical/medical intervention needed, the period of hospitalisation and prolonged treatment/recuperation, the loss of earnings as a labourer, and the inconvenience and discomfort caused to him during the course of treatment and recovery, this Court is of the considered view that the compensation awarded by the learned Tribunal requires to be suitably enhanced so as to ensure that the injured claimant receives just and reasonable compensation. The compensation is accordingly reassessed as reflected in the following table:

Particulars	Awarded by Tribunal (₹)	Re-assessed (₹)
Loss of income during treatment (3 months)	x	6,000/- (2,000 x 3)
Medical expenses (Ex. P5 to P8 and P10 to P13)	1,500/-	1,500/-
Transportation	x	2,000/-
Special diet	x	5,000/-
Attendant	x	5,000/-
Loss of amenities	x	5,000/-
Pain and suffering	1,500/-	5,000/-
Total	3,000/-	₹29,500/-

11. In view of the above, the appeal is partly allowed. The impugned award dated 26.07.2001 is modified to the extent that the compensation payable to the appellant is enhanced from ₹3,000/- to ₹29,500/-. The enhanced amount shall carry interest at the rate of 7% per annum from the date of filing of the claim petition till realization. Except for the modification of the quantum of compensation, all other findings recorded by the learned Tribunal, including



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those with regard to negligence, liability and mode of disbursement, shall stand affirmed.

12. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

(VIRINDER AGGARWAL)
JUDGE

28.04.2026***Poonam***

- (i) *Whether speaking/reasoned* : *Yes/No*
(ii) *Whether reportable* : *Yes/No*