



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1179-2003

BALRAJ

. . . . Appellant

Vs.

ANUP SINGH @ RAJU AND OTHERS

. . . . Respondents

Reserved on: 06.05.2026

Pronounced on: 07.05.2026

Pronounced Fully/Operative Part: Fully

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Shilak Ram Hooda, Advocate, for the appellant.
Mr. Ram Pal Verma, Advocate, for respondents No.1 & 2.

DEEPAK GUPTA, J.

The appellant has preferred the present appeal seeking enhancement of compensation awarded vide judgment dated 03.01.2003 passed by the learned Motor Accident Claims Tribunal, Sonapat.

2. The record reveals that the appellant sustained injuries in a motor vehicular accident, which occurred on 18.02.2001. A claim petition under Section 166 of the Motor Vehicles Act, 1988 was filed seeking compensation from the driver and owner of the offending crane. The learned Tribunal, upon appreciation of the evidence, returned a categorical finding that the accident had occurred due to rash and negligent driving of the offending vehicle by respondent No.1, owned by respondent No.2. The said finding has attained finality.

3. After examining the medical and documentary evidence, the Tribunal awarded a sum of ₹88,000/- along with interest in favour of the appellant and held respondents No.1 and 2 jointly and severally liable to satisfy the award. Dissatisfied with the quantum so awarded, the appellant has approached this Court seeking enhancement.

4. Learned counsel for the appellant submits that the compensation awarded by the Tribunal is wholly inadequate keeping in view the nature of injuries, prolonged hospitalization and pain and suffering undergone by the

appellant. On the other hand, learned counsel appearing on behalf of respondents No.1 and 2 has supported the award and contends that the compensation granted by the Tribunal is fair and reasonable.

5. This Court has considered the rival submissions and perused the record carefully.

6. The evidence available on record establishes that immediately after the accident, the appellant was taken to the Primary Health Centre, Gohana and thereafter referred to PGIMS, Rohtak, where he remained admitted from 19.02.2001 till 05.04.2001, i.e. for about 46 days. The medico legal report (Ex.P5) reveals that the appellant suffered multiple grievous injuries including fractures of the frontal bone, right femur and nasal bone. Surgical intervention was also undertaken during treatment. The medical record further indicates that even after discharge from the hospital, the appellant was advised prolonged bed rest for nearly two months.

7. The Tribunal awarded ₹57,000/- towards medical expenses, ₹10,000/- towards special diet, ₹5,000/- towards transportation charges, ₹11,000/- on account of forcible leave and ₹5,000/- towards pain and suffering.

8. The appellant had also claimed compensation on account of alleged loss of salary and denial of promotion due to accidental injuries. However, no documentary evidence or testimony of any official from the department was produced to substantiate the said plea. Admittedly, the appellant was serving as a Constable in Indo Tibetan Border Police at the relevant time and there is no evidence to establish any reduction in salary, loss of service benefits or impairment of future earning capacity. In the absence of cogent evidence, the learned Tribunal rightly declined compensation under the aforesaid heads.

9. However, this Court is of the considered view that the amount awarded under the conventional heads is wholly inadequate and does not satisfy the requirement of “just compensation” contemplated under the Motor Vehicles Act. While assessing compensation in injury cases, the Court is required to take into account not only the actual medical expenditure incurred,

but also the nature of injuries, duration of treatment, period of hospitalization, pain, trauma, physical discomfort and the impact of injuries on the normal enjoyment of life.

10. The appellant remained hospitalized for a considerable period of 46 days, underwent surgery and suffered multiple fractures involving vital parts of the body. The prolonged treatment and subsequent bed rest would undoubtedly have caused immense physical pain, mental agony and inconvenience. Therefore, the compensation awarded under the heads of pain and suffering, attendant charges and other incidental expenses deserves substantial enhancement.

11. Accordingly, the compensation is reassessed as under:-

Heads of Compensation	Amount
• Medical expenses	₹60,000/-
• Miscellaneous expenses (special diet, transportation and attendant charges)	₹30,000/-
• Forcible leave	₹15,000/-
• Pain and suffering	₹50,000/-
Total	₹1,55,000/-

12. Thus, the appellant becomes entitled to total compensation of ₹1,55,000/- as against ₹88,000/- awarded by the Tribunal. The enhanced amount consequently comes to ₹67,000/-.

13. The appeal is accordingly allowed to the aforesaid extent. The enhanced compensation of ₹67,000/- shall be payable jointly and severally by respondents No.1 and 2 along with interest @ 7.5% per annum from the date of filing of the claim petition till actual realization. Disposed of accordingly.

(DEEPAK GUPTA)
JUDGE

07.05.2026
Vivek

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

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