



S. No.221

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

**FAO No.740 of 2002 (O&M)
Date of Decision:16.03.2026**

Sukhdev SinghAppellant
Vs.
Rattan Singh and othersRespondents

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Saurabh Bhardwaj, Advocate
for the appellant.
(Through Video Conferencing).

Mr. D.K. Dogra, Advocate for the
Insurance Company.

Yashvir Singh Rathor, J. (Oral)

1. This appeal has been instituted against the Award dated 5.11.2001 passed by MACT, Kurukshetra (**for short “Tribunal”**) for enhancement of compensation awarded in MACT Case No.273 of 2001 in a petition under Section 166 of Motor Vehicles Act, 1988 vide which a sum of Rs.40,000/- has been awarded as compensation to the claimant/appellant along with interest at the rate of 9% per annum due to injuries suffered by him in a motor vehicular accident on account of rash and negligent driving by respondent No.1 while driving offending vehicle bearing No.HR-07A/1102 (**for short ‘offending vehicle’**), owned by respondents No.2 and 3, which was insured with respondent No.4.

2. From the pleadings of parties, following issues were framed by learned MACT:-



“1. Whether the accident in question took place on account of rash and negligent driving of Rattan Singh, respondent No.1, driver of bus No.HR-07A/1102?OPP

2. Whether the petitioner suffered injuries in this accident and is entitled to claim compensation on account of the same. If so, to which extent and from whom?OPP

3. Whether the insured violated the terms and conditions of the insurance policy. If so, to what effect?OPR

4. Relief.”

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

4. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.40,000/- as compensation to the claimant, on account of injuries suffered by him along with interest 9% per annum from the date of filing of claim petition till realization, payable by respondents No.1 to 4, jointly and severally.

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

6. The only issue required to be determined in the present appeal 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 occurred due to the rash and negligent driving on the part of respondent No.1 while driving offending vehicle and respondents No.1 to 4 have been held liable to pay compensation jointly and



severally. 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 and the same is affirmed.

7. Learned counsel for the appellant 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 compensation has not been awarded under the pecuniary and non-pecuniary damages as per settled law and the impugned award is thus liable to be enhanced.

8. On the other hand, learned counsel for respondents argued that the award in question 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.

9. 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.

10. 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.

11. As per version of the claimant, he had suffered fracture in his left leg and was operated upon and a rod was inserted in the left leg. He had spent Rs.35,000/- to Rs.40,000/- on his treatment. He used to earn Rs.9,000/- to Rs.10,000/- per month and is now unable to do any work. Learned Tribunal on appreciation of evidence, awarded him a compensation of Rs.40,000/- under following heads:-

i)	Compensation for pain and sufferings	Rs.15,000.00
ii)	Compensation for expenditure incurred on medical treatment/ purchase of medicines and for future/ treatment etc.,	Rs.15,000.00
iii)	Compensation for special diet, transportation, loss of income etc.	Rs.10,000.00
Total:		Rs.40,000.00

12. However, the compensation awarded by the Tribunal is grossly inadequate. The claimant had suffered fracture in his leg and was operated upon and an implant was inserted. It is a matter of common knowledge that pain component in such injuries is enormous which take a long time to heal. Therefore, taking into consideration the severity of the injuries suffered by the claimant, he is held entitled to a sum of **Rs.25,000/-** as compensation on account of **Pain and Sufferings**.

13. No bills of treatment have been led in evidence and the claimant was treated in a government hospital where treatment is free of cost but still taking into consideration the fact that the claimant must have spent some amount on



treatment, the Tribunal has awarded him a sum of Rs.15,000/- on account of **expenses incurred on treatment including future treatment** which is also enhanced to **Rs.20,000/-**.

14. It must have taken at least three months for the injuries to heal and during this period, the claimant would not have been able to do any work and would have remained bed ridden. The accident had taken place on 24.05.1999 and it can be assumed that the claimant must be earning at least Rs.1800/- per month which were the prevalent minimum wages at that time and he is held entitled to a sum of **Rs.5,500/-** (Rs.1800/- X 3 = Rs.5,400/-) which is rounded off to Rs.5,500/- on account of **loss of income**.

15. During this period of three months, he must have engaged an attendant to take care of him and accordingly, he is also held entitled to sum of **Rs.5,000/- for engaging an attendant**. The claimant must have also visited various hospitals during the period of treatment and must have spent sufficient amount on his transportation and he is accordingly held entitled to a sum of **Rs.5,000/- for expenses incurred on the transporation**.

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

Sr. No.	Head of Compensation	Amount Assessed by this Court (₹)
1.	Pain and Sufferings	Rs.25,000/-
2.	Expenses Incurred on Treatment	Rs.20,000/-
3.	Loss of Income	Rs.5,500/-
4.	Engaging an Attendant & Transportation (Composite)	Rs.10,000/-
	Total	Rs.60,500/-
	Interest	9%



17. As a result of afore-said discussion, the present appeal is partly accepted with costs and the claimant is held entitled to enhanced compensation of **Rs.20,500/- (Rs.60,500/- - Rs.40,000/-)** over and above the compensation awarded by Tribunal, payable by respondents No.1 to 4, jointly and severally, along with interest @ 9% per annum, from the date of filing of claim petition i.e. 6.9.1999, till realization.

18. 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.

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

(Yashvir Singh Rathor)
Judge

March 16, 2026
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No