



FAO No.383 of 2002(O&M)

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

(228)

FAO No.383 of 2002(O&M)

Reserved on: 23.03.2026

Pronounced on: 25.03.2026

Uploaded on: 25.03.2026

SAVINDER KAUR

... APPELLANT

VERSUS

ANGREJ SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Rishav Jain, Advocate,
Ms. Shivaly Singla, Advocate
for the appellant.

None for the Insurance Company

VIRINDER AGGARWAL,J.

1. The present appeal has been preferred by the appellant seeking enhancement of the compensation awarded vide award dated 10.09.2001 passed by the learned Motor Accident Claims Tribunal, Patiala, on account of the injuries sustained by Savinder Kaur in a motor vehicular accident.

BACKGROUND FACTS

2. The brief facts of the case are that on 10.09.1999 at about 2:30 P.M., the appellant-claimant Savinder Kaur was proceeding on her moped bearing registration No. PB-11-D-1293 along with her minor son Jaspreet Singh, who was sitting as a pillion rider. When she reached near the pulli of Ragho Majra, Patiala, a Tata Sumo bearing registration No. HR-01-E-7055, driven by respondent No.1 Angrej Singh in a rash and negligent manner, came from the



side of Mohindra College and struck against the moped of the claimant. Due to the forceful impact, the claimant as well as her son fell down on the road and sustained 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, Patiala, seeking compensation for the injuries suffered by her. After appreciating the evidence led by the parties, the learned Tribunal awarded a sum of ₹75,000/- as compensation along with interest at the rate of 12% per annum from the date of filing of the claim petition till realization. The respondents No.1 to 3 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.

OBSERVATIONS AND FINDINGS

4. 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.

5. 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.

6. A perusal of the record indicates that the appellant-claimant Savinder Kaur sustained grievous injuries in the motor vehicular accident which occurred on 10.09.1999. The medical evidence on record establishes that the appellant suffered Pott's fracture of the left ankle and fracture of the superior pubic ramus of the left side. The testimony of Dr. Subhash Mahajan (PW-1) further shows that the appellant had to undergo surgical intervention, wherein tension band wiring of the medial malleolus and plating of the fibula of the left side was performed. It further emerges from the record that the appellant was initially admitted to Rajindra Hospital, Patiala from 10.09.1999 to 16.09.1999 for treatment of the injuries sustained in the accident. Subsequently, she was again admitted to Amar Hospital, Patiala from 31.07.2000 to 01.08.2000, where she received further medical treatment. Moreover, the nature of the injuries and the treatment undertaken have been duly proved through the testimonies of Dr.

Subhash Mahajan (PW-1), Dr. Gurdeep Singh (PW-5) and Dr. Hari Om



Aggarwal (PW-6), who produced and proved the relevant medical documents including the bed-head ticket (Ex.A-1), discharge slips (Ex.A-2 and Ex.A-9) and other treatment records. The said medical evidence clearly demonstrates that the injuries suffered by the appellant were serious in nature and necessitated surgical treatment, prolonged medical care and a substantial period of rest and recuperation.

7. Further, the record indicates that the appellant incurred expenses towards medical treatment and purchase of medicines during the course of her treatment. Various medical bills and receipts, including (Ex.A-17 to Ex.A-31 (bills) and Ex.A-32 (receipt)), were produced on record to substantiate the said expenditure. The evidence also shows that the appellant had to undergo surgical intervention followed by post-operative treatment and, therefore, was required to incur expenses not only on medicines but also on diagnostic tests and other allied medical necessities. However, it has also come on record that the appellant received medical reimbursement to the extent of ₹6,265/- from her department towards a part of the treatment expenses incurred by her. In these circumstances, the learned Tribunal awarded a sum of ₹30,000/- towards medical expenses. Having regard to the nature of the injuries sustained by the appellant, the surgical treatment undertaken and the fact that a portion of the medical expenditure stood reimbursed, this Court is of the considered view that the amount awarded by the learned Tribunal under the said head is just and reasonable and, therefore, does not call for any interference.

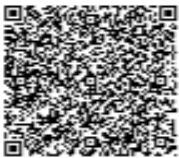
8. Furthermore, this Court finds from the evidence available on record that the appellant was serving as Junior Assistant in Punjabi University, Patiala and was drawing a salary of ₹5,640/- per month (as per service record produced by PW-3 Mohan Lal). The evidence also indicates that on account of the injuries



sustained in the accident, the appellant remained under treatment for a considerable period and was compelled to avail earned leave for approximately seven months, i.e., from (10.09.1999 to 11.02.2000, 31.07.2000 to 21.08.2000 and 22.08.2000 to 30.09.2000). Although the appellant continued in service and received her salary during this period, the fact cannot be overlooked that she was incapacitated from performing her official duties and had to exhaust her earned leave solely on account of the injuries sustained in the accident. The utilisation of earned leave due to accident-related injuries is a relevant factor which deserves to be taken into account while assessing compensation towards loss of income during the period of treatment and recuperation.

9. Moreover, a perusal of the record reveals that Dr. Hari Om Aggarwal (PW-6) appeared in evidence and proved the disability certificate (Ex.A-16), which indicates that the appellant suffered 20% permanent physical disability as a consequence of the injuries sustained in the accident. However, while considering the effect of such disability on the earning capacity of the appellant, it is necessary to examine the nature of her employment. The evidence on record clearly establishes that the appellant was serving as a Junior Assistant in Punjabi University, Patiala, and was performing clerical and administrative duties. There is no material placed on record to demonstrate that the said permanent disability has resulted in any functional disability affecting her ability to discharge her official duties or diminishing her earning capacity. The record further shows that the appellant continued in service and there is no evidence to suggest that she suffered any reduction in salary, demotion, or loss of employment on account of the said disability.

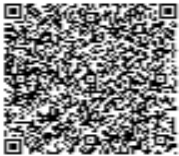
10. In these circumstances, although the appellant has proved 20% permanent physical disability, the same cannot be treated as equivalent to



functional disability so as to warrant computation of compensation towards future loss of earning capacity. The settled principle is that in cases where the nature of employment is such that the disability does not materially impair the earning capacity of the injured person, no separate compensation is required to be awarded under the head of future loss of income. Nevertheless, the fact remains that the appellant has suffered permanent physical disability, which would inevitably cause certain difficulties, discomfort and restriction in movement in her day-to-day life. Such disability may not affect her earning capacity, but it certainly impacts her overall physical well-being and enjoyment of normal amenities of life. Therefore, while no amount is required to be awarded towards future loss of earning capacity, the appellant would still be entitled to reasonable and just compensation for the permanent disability suffered by her, keeping in view the pain, inconvenience and limitation caused by the injuries.

11. Further, the record also indicates that the appellant would have required transportation for visiting hospitals, assistance of an attendant and special diet to facilitate recovery. However, the compensation awarded by the learned Tribunal under these heads appears to be on the lower side.

12. Having regard to the nature of injuries suffered by the appellant, the surgical treatment undertaken, the period of hospitalization and the inconvenience and discomfort caused to her 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 due to Permanent Disability	20,000	30,000/-
Loss of income during treatment (7 months)	x	39,480/- (5640 x 7)
Medical expenses	30,000	30,000/-
Transportation	5,000	10,000/-
Special diet	5,000	10,000/-
Attendant	5,000	10,000/-
Loss of amenities	x	10,000/-
Pain and suffering	10,000	20,000/-
Total	75,000/-	₹1,59,480/-

13. In view of the above, the appeal is partly allowed. The impugned award dated 10.09.2001 is modified to the extent that the compensation payable to the appellant is enhanced from ₹75,000/- to **₹1,59,480/-**. 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 those with regard to negligence, liability and mode of disbursement, shall stand affirmed.

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

(VIRINDER AGGARWAL)
JUDGE

25.03.2026
Poonam

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