



208 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-515-2000

Date of decision: 24.02.2026

BUDHI

...APPELLANT

VERSUS

NIRMAL SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Ms. Kamaldeep Kaur, Advocate for
Mr. Adarsh Jain, Senior Advocate
for the appellant.

Mr. Prashant Bansal, Advocate
for respondent No.1.

Mr. Ajay Kumar, Advocate and
Mr. Vinod Chaudhri, Advocate
for respondent No.4-Insurance Company.

Mr. Shubham Gupta, Advocate for
Mr. D.P. Gupta, Advocate
for respondent No.5.

PARMOD GOYAL, J. (ORAL)

The injured appellant/claimant has sought enhancement of compensation awarded vide award dated 28.09.1999 by the Motor Accident Claim Tribunal, Faridabad (hereinafter referred to as 'Tribunal') on account of injuries suffered in motor vehicular accident dated 10.10.1994 due to rash and negligent driving of respondent No.1 while driving tanker bearing No.PB-10H-9398.

2. It is the case of the injured appellant-claimant that on 10.10.1994, there was jagrata on G.T road and the injured-appellant/claimant was selling groundnuts, grain and other items on his rehri. At about 3.30 am, tanker

No.PB-10H-9398, came from Delhi side being driven by respondent no.1 in a rash and negligent manner resultantly had hit the rehri of the injured appellant/claimant. Due to this the injured appellant-claimant along with Jawala Devi, Rajbati, Maya Devi and Shanti had received injuries. The injured appellant/claimant was admitted to General Hospital, Palwal and later referred to Safdarjung Hospital, Delhi, where he remained admitted for 10 days. Thereafter, he remained admitted in Goyal nursing home, Kosi Kalan, district Mathura. As a result of the accident the injured appellant-claimant claimed to have suffered fracture in left leg, injuries in right leg, fracture of both arms and head injury.

3. Since in present appeal the only issue raised by injured appellant-claimant is as regards to quantum of compensation and there is no appeal or cross-objection preferred by respondents to challenge manner of accident, the issue as regards to manner of accident are not being noticed for the sake of brevity.

4. The learned Tribunal has awarded compensation of Rs.30,000/- on account of injuries suffered by the injured appellant/claimant.

5. Ld. Counsel for claimant-appellant has sought enhancement in compensation on the following grounds that :-

- Ld. Tribunal has erred in not granting compensation on the basis of functional disability which is 18% (as permanent disability is 18%) as per income of deceased after taking in account future prospects & multiplier.
- Determination of monthly income of Rs.2,400/- as pleaded by injured claimant appellant ought to have been taken by Ld. Tribunal.

- Compensation for loss of future prospects and future amenities, for loss of income during treatment and for future medical expenses has not been granted to which appellant-claimant is entitled to.
- Enhancement of compensation for medical expenses & other expenses and pain and sufferings being insufficient in view of nature of injuries, nature of treatment and period of hospitalisation, was sought.

6. Present is a classic case where appellant/claimant has relied upon the Courts rather than his own evidence. Appellant/claimant has asserted that he had sustained fracture of left leg and had received injuries on his forehead. He had also tendered his disability certificate as Ex.P7, however, except for tendering disability certificate, no other evidence was led to prove nature of injuries, period of hospitalization and treatment received by him. He had claimed that both his legs had suffered multiple fractures. He was initially taken to civil hospital where he was examined vide MLR Ex.P1 and then referred to Safdarjung Hospital, Delhi. Thereafter, he had remained under treatment at Goyal Nursing Home, Kosi and Goyal Nursing Home, Hodal. He had not placed any material to show amount spent by him and to prove that he remained admitted in the hospital as was asserted by him. Copy of bill of taxi amounting to Rs.8,000/- was tendered as Ex.P8, which was objected to as author of bill was not examined. Appellant/claimant claimed to have remained bed ridden for two years and claimed that he was earning Rs.150/- to 200/- per day and disclosed his age to be 60-65 years. No doctor has been examined as per MLR Ex.P1 only one injury i.e. injury No.2 was declared grievous, whereas other injuries were referred for X-Ray. Neither X-Ray report was placed on record nor any medical record showing treatment for multiple

fractures was placed on record, though reliance has been placed upon photocopy of bill issued by Goyal Nursing Home, Faridabad, however, no supporting medical record has been placed on record to justify the said receipt. Similarly, certificate Ex.P2 stated to be issued by Dr. Kulbhushan from Goyal Nursing Home, Faridabad again is not corroborated by any medical prescription. None was examined to prove disability certificate Ex.P7 stated to be issued by Civil Surgeon, Faridabad giving disability of 18%.

7. It is seen that appellant/claimant is leaving everything on the Courts for quantification of compensation and are relying upon assumptions to be made by Courts merely by showing that he had suffered loss in the accident. However, it is duty of the appellant/claimant not only to prove loss, but also to prove extent of loss as to make it possible for Court to quantify compensation payable to him/them. Court can make certain assumptions if some material is available before it, however, if no material is made available before the Court, the Court is handicap to grant compensation in such like cases. As grant of compensation without there being any material can lead to miscarriage of justice to the respondents as well as would result in frivolous and forged cases claiming compensation under Motor Vehicles Act, 1988. Already large number of false cases are being filed and in many cases exaggerated claims are being made and to justify said claims false medical bills or other evidence are placed. Disability certificate issued by doctor needs to be proved either by examining the doctor or at least by proving that same was issued by doctor by examining someone from hospital duly identifying signatures of doctor. Examination of doctor who issues disability certificate is very important to come to the right conclusion by learned Tribunal as it is from the nature of permanent injury

alone, functional disability to quantify earning capacity has to be ascertained. In case, disability is not explained, there can be error in quantifying the functional disability and, therefore, it is necessary to examine doctor or at least someone from hospital to prove authenticity. Unless disability certificate is proved in accordance with law, the Courts cannot take cognizance of the same and unless existence of document is established, it would be unfair to respondents to grant compensation on basis of such unproved and unreliable documents.

8. In the present case also, no medical prescription, medical record, admission and discharge summary has been placed on record. Only two documents have been relied upon by appellant/claimant, one is MLC Ex.P1 and another is disability certificate Ex.P7 which shows 18% disability, however, authenticity of disability certificate Ex.P7 has also not been established by appellant/claimant.

9. In these circumstances, this Court with heavy heart has to reject the claim of appellant/claimant based upon disability certificate. In fact the present appeal was filed in 2002 and no application for additional evidence to prove the authenticity of disability certificate has been preferred. The only evidence available on record is injury No.2 noted in MLR to be grievous.

10. In totality of circumstances, taking into consideration nature of injuries as stated in MLR Ex.P1 and amount granted by learned Tribunal, I deem it justified to grant composite amount of Rs.50,000/- under all the heads. The claim petition is accordingly allowed in above terms. Appellant/claimant shall be entitled to 7.5% interest on enhanced amount of Rs.20,000/- from the date of filing of claim petition till realization on the enhanced amount.

Liability to pay compensation shall be as per award.

11. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

24.02.2026
manoj/chiranjeev

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No