



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No.547 of 2000
Date of decision: 16.04.2026

BALWINDER KAUR
VERSUS
PUNJAB ROADWAYS & OTHERS

....APPELLANT
..... RESPONDENTS

1.	Judgment reserved on	10.02.2026
2.	Judgment pronounced on	16.04.2026
3.	Judgment uploaded on	16.04.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced.	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Nil

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Argued by: Mr. V.K. Kataria, Advocate for the Appellant.
Mr. Ishan Kaushal, AAG, Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. This appeal is directed against the Award dated 11.09.1999 passed by the Motor Accident Claims Tribunal, Faridkot (**for short “Tribunal”**) in MACT Case No.7 of 08.09.1997, under Section 166 of the Motor Vehicles Act, 1988 vide which a sum of Rs.32,000/- has been awarded as compensation to the claimant alongwith interest @ 12% per annum from the date of filing of claim petition till realization on account of injuries suffered by her in a motor vehicular accident and respondents No.1 to 3 have been held liable to pay the amount of compensation, jointly and severally.
2. From the pleadings of parties, following issues were framed by the



learned Tribunal:-

1. *Whether Balwinder Kaur, claimant received injury on 16-2-1997 in the area of Ajitwal by rash and negligent driving of Bus No.PB-12-B/9501 by Rajinder Singh, respondent No.2? OPA.*
2. *To what amount, the claimant is entitled and from whom? OPA.*
3. *Whether the petition is bad for mis-joinder of owner, driver and insurance company of Jeep No.PB-03-B/7421 and that of Mini Bus No.PB-13-B/2424? 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.32,000/- as compensation to the claimant, on account of injuries suffered by her along with interest @ 12% per annum from the date of filing of claim petition till realization.

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 assessment of compensation on account of the injuries suffered by the appellant and, therefore, the entire facts of the case with regard to the manner of accident are not required to be reproduced here for the sake of brevity as the Tribunal has come to the conclusion under issue No.1 that accident in question had taken place on account of rash and negligent driving on the part of respondent No.2, while driving the offending bus bearing No.PB-12-B-9501, which was owned by respondent No.1. 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.



7. It is pertinent to mention that the record of the appeal as well as the Tribunal has been burnt in a fire incident in the High Court and the appeal in hand shall be decided as per facts and evidence mentioned in the award passed by the Tribunal.

8. Learned counsel for the appellant argued that the impugned award vide which compensation of Rs.32,000/- has been awarded is based on conjectures and surmises and is liable to be set aside and enhanced amount of compensation should be awarded. 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.

9. 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.

10. The law is well settled that the compensation to be awarded for injuries suffered by the 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.

11. 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.



12. Coming to issue No.2, case of the claimant is that she had suffered multiple injuries in the accident in question including loss of three teeth, fractures in ribs and right shoulder. She also suffered injuries in her head and fingers and has spent about Rs.40,000-50,000/- on her treatment.

13. To prove the injuries suffered by claimant, she had examined PW3 Dr. R.S. Pandey, who deposed that the patient Balwinder Kaur was brought to their hospital on 16.02.1997 and she remained admitted in the hospital till 22.02.1997. A sum of Rs.30,000-40,000/- was allegedly being spent daily on medicines and other expenses. She had lost three upper teeth due to injuries suffered in the accident besides fractures in three ribs and in her shoulder joint. The admission card Ex.P3 has also been tendered in evidence and as per document Ex.P7, she had suffered fractures of ribs and shoulder and lost three teeth.

14. Claimant had also produced record of D.M.C. Ludhiana Ex.P5, according to which she had spent Rs.3,165/- on her treatment. She also tendered bills Mark-1 to Mark-9, valuing about Rs.1,700/- and as per these bills, she spent Rs.4,825/- on her treatment. Accordingly, the Tribunal has awarded a sum of Rs.7,000/- for the expenses incurred on treatment besides Rs.25,000/- on account of injuries suffered by her and in all, compensation of Rs.32,000/- has been awarded, which in my opinion is grossly inadequate. The settled principles of law have not been followed while awarding the compensation for pecuniary and non-pecuniary damages and the compensation is thus liable to be enhanced.

15. The Tribunal has also come to the conclusion that petitioner had suffered fractures in three ribs, fracture in shoulder and she lost three upper teeth. As such, the claimant had suffered grievous injuries. It is a matter of common knowledge that the pain component in such injuries is enormous and such injuries



take a long time to heal. Accordingly, the claimant is held entitled to a sum of **Rs.35,000/-** on account of ‘**pain and sufferings.**’

16. PW3 Dr. R.S. Pandey has stated that a sum of Rs.30,000-40,000/- was being spent daily and patient remained admitted in the hospital from 16.02.1997 to 22.02.1997. However, no bills have been proved on record to establish this fact and oral testimony of Dr. R.S. Pandey thus cannot be relied upon. The Tribunal after going through the bills placed on file awarded a sum of Rs.7,000/- on account of expenses incurred on treatment. However, some amount of guesswork has to be applied while assessing the compensation on account of expenses incurred on treatment as all the bills are not generally preserved by the family members and primary concern of the family members/attendants is to take care of the injured. In view of the severity of injuries, the petitioner must have been spent at least Rs.15,000/- on her treatment. Accordingly, she is held entitled to a sum of **Rs.15,000/-** on the ‘**expenses incurred on treatment**’.

17. It must have taken at least four months for the injuries to heal and during that period, claimant would not have been able to do any work and must have suffered loss of income. Claimant is a housewife and used to sell milk as stated by PW2-Gurpreet Singh. Though no cogent evidence has been led on record to prove the income earned by sale of milk but petitioner being a milk vendor as well as a housewife can be expected to earn around Rs.3,000/- per month in the year 1997 when the accident took place. Accordingly, income of claimant is assessed as **Rs.3,000/- per month** and she is held entitled to a sum of **Rs.12,000/- (Rs.3,000/- X 4 months)** on account of ‘**loss of income**’.

18. During the aforesaid period of 4 months, claimant must have spent some amount on nutritious diet, in engaging an attendant and on transportation.



Accordingly, claimant is held entitled to a sum of **Rs.20,000/-** under the heads ‘**nutritious diet**’, ‘**engaging attendant**’ and ‘**transportation charges**’.

19. The claimant has suffered multiple grievous injuries including loss of three upper teeth and accordingly, claimant is held entitled to a sum of **Rs.20,000/-** on account of ‘**loss of amenities**’.

20. No evidence has been led on record with regard to permanent disability suffered by the petitioner which could diminish her earning capability and as such, no compensation is being awarded on account of ‘permanent disability’ or ‘loss of income on account of permanent disability’.

21. Resultantly, the compensation to be awarded by this Court is assessed as under:-

Sr. No.	Head of Compensation	Amount Assessed by this Court (₹)
1.	Pain and Sufferings	35,000/-
2.	Expenses Incurred on Treatment	15,000/-
3.	Loss of Income	12,000/-
4.	Nutritious Diet, Attendant charges & Transportation	20,000/-
5.	Loss of Amenities	20,000/-
	Total	1,02,000/-
	Interest	9%

22. 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.70,000/- (Rs.1,02,000/- - Rs.32,000/-)** over and above the compensation awarded by Tribunal, payable by respondents No.1 to 3, jointly and severally, along with interest @ 9% per annum, from the date of filing of claim petition i.e. 08.09.1997, till realization.



23. 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.
24. Pending miscellaneous application(s), if any, shall also stand disposed of.

16.04.2026
Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No