



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

(208)

FAO No. 1066 of 2001(O&M)

Date of Decision: 27.01.2026

Sher Singh

... Appellant

Versus

Purshotam and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Jagdeep Singh Virk, Advocate
for the Appellant.

None for the respondent

VIRINDER AGGARWAL, J. (ORAL)

1. The present appeal has been preferred by the claimant–appellant seeking enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Karnal, whereby a sum of ₹26,632/- along with 12 % interest was awarded for the injuries suffered by him in a motor vehicular accident.

BACKGROUND FACTS

2. Briefly stated, the appellant met with an accident on account of rash and negligent driving of the offending Bus bearing registration no. RJ-09/P-0729 driven by respondent No.1, when he was travelling in truck bearing registration no DL-IG/A-6450. FIR no. 236 under section 279 and 337 IPC was registered and criminal proceedings were initiated against the driver. The appellant sustained grievous injuries including fracture of left patella, upper end of tibia and fibula. He remained admitted in hospital for a 15 days and continued treatment thereafter.

3. Upon appreciation of the oral and documentary evidence, the learned Motor Accident Claims Tribunal recorded a finding that the accident had



occurred due to rash and negligent driving of the offending vehicle and that the claimant had sustained fractures of patella, upper end of tibia and fibula, requiring hospitalization and medical treatment. The learned Tribunal accepted the medical evidence as well as the factum of treatment and expenditure to the extent proved on record. However, while determining the quantum of compensation, the learned Tribunal confined the award mainly to the proved medical expenses and a small amount towards pain and suffering and lump-sum amount for the loss of income. Consequently, awarded a total compensation of only ₹26,632/- with interest at rate of 12 % per annum. Aggrieved by the said award, the present appeal has been filed by the claimant seeking enhancement of compensation in accordance with the settled principles of law.

CONTENTIONS

4. Learned counsel for the appellants argued that the compensation awarded by the learned Tribunal is grossly inadequate and inconsistent with the settled principles for determining just compensation. It was submitted that the learned Tribunal failed to grant adequate amounts under essential heads such as pain and suffering, loss of amenities, transportation, attendant charges, and special diet, made no addition towards future prospects or loss of earning capacity in light of the permanent disability suffered by appellant and inadequately assessed medical expenses and loss of income during treatment. It was thus urged that the award warrants enhancement to ensure fair and reasonable compensation to the appellants.

OBSERVATIONS AND FINDINGS

5. I have heard learned counsel 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. The findings on those aspects are accordingly affirmed. However, the core issue arising in the appeal pertains to the reassessment of the quantum of compensation. The reassessment of compensation in the present appeal is, therefore, undertaken as under:

6. 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, attendant charges, special diet, transportation, pain and suffering and loss of amenities. The quantum in the present case, therefore, warrants re-examination by considering the nature of injuries, duration of hospitalisation, permanent disability, if any, and other attending circumstances as reflected in the record.

7. A close examination of the medical evidence on record, particularly Ex.P1 and Ex.P3 to Ex.P25, read with the testimony of PW2 Dr. Ashok Gupta, clearly establishes that the appellant sustained grievous injuries in the accident, namely fractures of patella, upper end of tibia and fibula of the right leg. The learned Tribunal has accepted the factum of hospitalization, medical treatment and the nature of injuries suffered by the claimant, and has also taken note of the period of hospitalization and follow-up treatment. The medical bills and treatment record placed on file were scrutinised by the learned Tribunal and, on the basis thereof, medical expenses to the tune of ₹11,632/- were found to be duly proved. There is no dispute with regard to the genuineness of the said medical record. This Court, therefore, finds no reason to interfere with the amount awarded by the learned Tribunal towards medical expenses, which is



maintained as such, being supported by documentary evidence and testimony on record.

8. However, merely because the appellant could not place on record a formal disability certificate or complete documentary proof quantifying permanent disability, the consequences flowing from the grievous injuries suffered by him cannot be ignored. The medical evidence clearly shows that the patella had to be surgically removed and the appellant's leg remained plastered for a considerable period, resulting in prolonged immobilization. Such injuries, by their very nature, have a lasting impact on the physical efficiency and functional capacity of a young person. The appellant was only about 21 years of age at the time of accident and was earning his livelihood through manual work. Even in the absence of quantified disability, it can safely be inferred that his future employment prospects stood reduced and his overall quality of life, including matrimonial prospects, was adversely affected. In motor accident claim cases, the Court is required to adopt a pragmatic and realistic approach and award just compensation on the basis of overall probabilities rather than insist upon strict proof. Thus, keeping in view the grievous injuries, period of immobilization, pain and suffering, reduction in earning capacity, loss of amenities of life and other attendant circumstances, this Court deems it appropriate to award a consolidated sum of ₹50,000/- towards loss of income, pain and suffering and loss of amenities. In addition thereto, a sum of ₹10,000/- is awarded towards transportation, attendant charges and special diet, which the claimant would have necessarily incurred during the period of treatment and recovery. Therefore, the total compensation awarded is as under in the table below:



Particulars	Awarded by Tribunal (₹)	Re-assessed (₹)
Medical expenses	11,632/-	11,632/-
Loss of Income	10,000/-	50,000/-
Pain and suffering	5,000/-	
Loss of amenities	x	
Transportation,	x	10,000/-
Attendant	x	
Special diet	x	
Total	26,632/-	71,632/-

9. Resultantly, the appellant shall be entitled to a total compensation of ₹71,632/-. The enhanced amount shall carry interest at the rate of 7% per annum from the date of filing of the claim petition till realization. The liability to pay the enhanced compensation shall be joint and several upon the respondents.
10. Accordingly, the present appeal is **allowed**. The award passed by the learned Tribunal is modified to the extent indicated above.
11. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

27.01.2026
Saurav Pathania

(VIRINDER AGGARWAL)
JUDGE

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