



203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-1481-2001 (O&M)
Date of decision: 30.01.2026

SHAKUNTALA DEVI

...Appellant

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Hitesh Verma, Advocate
for the appellant (Amicus Curiae).

Mr. Praveen Kumar, DAG, Haryana.

YASHVIR SINGH RATHOR, J. (Oral)

1. This appeal is directed against the Award dated 13.12.1997 passed in MACT Case No.48T by Motor Accident Claims Tribunal, Patiala in a petition under Section 166 of Motor Vehicles Act, 1988 vide which a sum of ₹7000/- has been awarded as compensation to the claimant on account of injuries suffered by her in a motor vehicular accident and respondents were held liable to pay the amount of compensation to the claimant jointly and severally.

2. None has appeared on behalf of the appellant. The file had got burnt in a fire incident in the FAO branch of the High Court. Accordingly, Mr. Hitesh Verma, Advocate (Enrollment No. 3382/PH/22), who is present in Court, is appointed as Amicus Curiae in the present appeal. He has inspected the copy of the award. Thereafter, the matter has



been taken up in the post-lunch session and arguments have been heard.

3. 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 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 respondents No.2 and 4 while driving the offending vehicles bearing No.HR-07A-3074 and HR-16-5126, which were owned by respondents No.1, 4 and 5 and the said finding has not been assailed by the respondents either by filing any appeal or cross objections.

4. I have heard learned counsel for the parties and have perused the material placed on record. It is pertinent to mention that the record of the appeal as well as the Tribunal has got burnt in a fire incident in the branch and the appeal in hand shall be decided as per facts and evidence mentioned in the award by the Tribunal.

5. From the pleadings of parties, following issues were framed:-

“1. Whether Shakuntala Devi claimant received injuries due to the rash and negligent driving of Gainda Ram of Bus No.HR-07A/3074 on 12.10.1993 in the area of Lalru?OPA.

2. If issue No.1 is proved whether the claimant is entitled to get compensation. If so, how much and from whom?OPA.



3. *Relief*

6. In support of their case, both the parties led oral as well as documentary evidence.

7. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.7,000/- as compensation to the claimant along with interest @ 12% per annum from the date of filing of claim petition till realization.

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

9. In order to prove her case, claimant Shakuntala Devi appeared as PW5 and deposed that she had suffered injuries in her head, teeth, chest, neck and nose. She was admitted at PGI, Chandigarh for three days for her treatment and thereafter, she was shifted to General Hospital, Sector 16, Chandigarh where she remained admitted for about two months. She led in evidence her bed head ticket of PGI, Chandigarh Ex.PW5/1 and X-ray Skiagram Ex.PW5/2. She also led in evidence certain bills of medicines and medical expenses Mark AW5/A to Mark AW5/K. She deposed that she had spent Rs.50,000/- on her treatment and is still under treatment. She is a labourer and now, she cannot work in the fields. Earlier, she used to earn Rs.2000/- per month and on account of permanent disability suffered by her, she cannot work and has suffered loss of income.

10. As per bed head ticket Ex.PW5/1, appellant had suffered fracture in her nasal bone and soft tissue injury on left arm. As per bills Mark AW5/C to Mark AW5/J, she had spent a sum of Rs.435/- on her



treatment and as per bed head ticket Ex. PW5/1, she remained under treatment as a follow up patient at PGI up to 23.11.1993. Tribunal has come to the conclusion that no evidence has been led to establish that appellant has suffered any permanent disability and taking into consideration the facts and circumstances of the case, she was awarded a sum of Rs.7000/- as compensation in lump sum and not under different heads.

11. In 2009 (1) RCR (Civil) 867 (SC), **Syed Basheer Ahamed and Others Vs. Mohd. Jameel and Another**, it has been held by Hon'ble Supreme Court that while assessing compensation in a motor accident claim case, the Tribunal should award compensation which appears to be just. The expression "which appears to the just" vests a wide discretion in the Tribunal in the matter of determination of compensation. Nevertheless, the wide amplitude of such power does not empower the Tribunal to determine the compensation arbitrarily, or to ignore settled principles relating to determination of compensation. It has been further held that although the Act is a beneficial legislation, it can neither be allowed to be used as a source of profit, nor as a windfall to the persons affected nor should it be punitive to the persons liable to pay compensation and that determination of compensation must be based on certain data establishing reasonable nexus between the loss incurred by the victim or dependents. It has been further held that misplaced sympathy, generosity and benevolence cannot be the guiding factors for determining the compensation.

12. Coming to the facts of the case in hand, the accident had



taken place on 12.10.1993 and appellant had suffered fracture in nasal bone and soft tissue injury on her left arm and as such, she suffered grievous injuries. It is a matter of common knowledge that fractures take a long time to heal and pain component in such injuries is enormous and accordingly, the appellant is entitled to a sum of Rs.6000/- as compensation on account of pain and sufferings.

13. Appellant had led in evidence bills worth Rs.435/- but it is also a matter of common knowledge that sometimes, bills are lost or are not obtained from the chemist. Taking into consideration the nature of injuries i.e. fractures and the fact that appellant continued her follow up treatment at PGI, Chandigarh up to 23.11.1993 i.e. for more than one month, she must have spent about Rs.1000/- on her treatment and she is held entitled to a sum of Rs.1000/- towards expenses incurred on her treatment.

14. During this period, appellant must have engaged some attendant. She must have also spent some amount on transportation and on her special diet and she is also held entitled to a sum of Rs.3500/- under the said head.

15. Appellant was a labourer and she can also be treated as housewife. She followed up her treatment at PGI, Chandigarh for around 40 days and during this period, she would not have been able to do any work and taking into consideration the minimum wages prevalent in the year 1993, she is also held entitled to a sum of Rs.1500/- towards loss of income during the treatment. Accordingly, the appellant is held entitled to compensation under following heads as under:-



S.No.	Under Head	
1.	<i>Pain and sufferings</i>	Rs.6,000/-
2.	<i>Treatment expenses</i>	Rs.1000/-
3.	<i>Loss of income</i>	Rs.1500/-
4.	<i>Special diet, on transportation and in engaging an attendant</i>	Rs.3500/-
	<i>Total compensation</i>	Rs.12,000/-

16. Resultantly, the appeal in hand is accepted and appellant is held entitled to a sum of Rs.5000/- (Rs.12,000/- Rs.7000/-) as enhanced compensation over and above the compensation awarded by the Tribunal along with interest at the rate of 9% per annum from the date of filing of claim petition i.e. 16.04.1994 till realization payable by respondents jointly and severally. The entire of compensation be paid to the appellant in cash as the compensation is meagre. No order as to costs.

17. Pending misc. application (s), if any, shall also stand disposed of.

30.01.2026
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

No
No