



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

(211)

FAO No.2277 of 2001(O&M)

Date of decision: 19.03.2026

TEJA SINGH

... APPELLANT

VERSUS

HARNAIB SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. D.P. Gupta, Advocate
for Appellant.

Ms. Simran Kaur Bhatti, Advocate,
Mr. Harsh Chopra, Advocate
for respondent No.3.

VIRINDER AGGARWAL,J.

1. The present appeal has been preferred by the appellant seeking enhancement of the compensation awarded vide award dated 04.12.2000 passed by the learned Motor Accident Claims Tribunal, Bathinda, on account of the injuries sustained by Teja Singh in a motor vehicular accident.

BACKGROUND FACTS

2. The brief facts of the case are that on 01.03.1999 at about 1:00 P.M., the appellant-claimant Teja Singh, who was serving with the Punjab State Electricity Board, Bathinda, was travelling to the Central Store of the Punjab State Electricity Board at Patiala along with Gurnam Singh and other officials in Truck No. PNS-4497. At that juncture, a bus bearing registration No. AF/2, being driven by respondent No.1 Harnaib Singh, approached from the opposite direction at a very high speed and in a rash and negligent manner and collided



violently with the said truck. Owing to the impact of the collision, the appellant sustained multiple injuries. Following the occurrence, the injured appellant instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 before the learned Motor Accident Claims Tribunal, Bathinda, claiming compensation to the tune of ₹5,00,000/- under various heads. After considering the evidence adduced on record, the learned Tribunal awarded a sum of ₹51,640/- as compensation along with interest at the rate of 10% per annum from the date of filing of the claim petition until its realization, while holding the respondents jointly and severally liable for payment of 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.

4. Per contra, learned counsel for the respondent No.1 supported the impugned award, submitting that the learned Tribunal appreciated the evidence in its correct perspective and awarded just, proper, and reasonable amounts. It was argued that no sufficient proof of permanent disability or substantial loss of



earning was led, and no infirmity, perversity, or misreading of evidence warrants interference.

OBSERVATIONS AND FINDINGS

5. 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. The reassessment is, therefore, undertaken as under:

6. 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, permanent disability and other attending circumstances as reflected in the respective records.

7. A perusal of the record reveals that the appellant Teja Singh had sustained serious injuries in the accident that occurred on 01.03.1999. It has come in evidence that the appellant had suffered a fracture of the femur for which he had to undergo surgical intervention and an iron plate was fixed in the hip. The appellant remained admitted in the hospital from 02.03.1999 to 17.03.1999. The nature of the injuries and the treatment undertaken have been duly proved by Dr. Rajiv Gupta, who appeared as AW-6 and produced the relevant medical record (Ex.A-6). The said evidence establishes that the injuries



suffered by the appellant were not simple in nature and required operative treatment and prolonged medical care.

8. Moreover, the appellant has deposed that he incurred an expenditure of approximately ₹80,000/- towards his medical treatment. However, he fairly admitted that a sum of ₹26,000/- was reimbursed to him by his employer, the Punjab State Electricity Board, on the basis of the medical bill (Ex.A7). Nevertheless, the evidence on record clearly establishes that the appellant had undergone surgery for fixation of an iron plate in the hip and had remained hospitalized for a considerable period. In such circumstances, it is reasonable to infer that he would have incurred substantial expenses towards medicines, transportation, and post-operative care. The learned Tribunal, however, has awarded only a meagre amount towards medical expenses, which, in the considered opinion of this Court, does not adequately reflect the expenses actually incurred by the injured claimant.

9. Further, this Court finds from the evidence on record that the appellant has categorically deposed that on account of the injuries sustained by him in the accident, he remained unable to attend his duties for about seven months. It has also come in his testimony that he could not receive salary for one month during the said period. Although in his cross-examination the appellant stated that he continues to work as a daily wager and is presently drawing the same wages, the fact cannot be ignored that during the period immediately following the accident, when he was undergoing treatment and recuperation, he would have been incapacitated from performing his duties. The claimant had pleaded that he was earning a salary of ₹3,000/- per month. However, no cogent documentary evidence has been produced on record to substantiate the said claim. Considering the nature of employment and the fact that the accident



pertains to the year 1999, it would be reasonable to assess his income on a notional basis at ₹2,000/- per month for the purpose of computing the temporary loss of earnings. Having regard to the nature of the injuries suffered by him, the surgical intervention involving fixation of an iron plate in the hip, and the consequent period of recovery, it is evident that the appellant must have suffered some loss of income. Therefore, the claim towards temporary loss of earnings during the period of treatment and recovery deserves to be taken into consideration.

10. As regards the plea relating to permanent disability or future loss of earning capacity, the material on record does not establish any quantified permanent disability affecting the earning capacity of the appellant. No disability certificate issued by a duly constituted Medical Board quantifying the percentage of permanent disability has been brought on record. Furthermore, the appellant himself has admitted in cross-examination that he continues to work and is receiving the same wages. In the absence of any reliable evidence showing functional disability affecting his earning capacity, this Court does not find it appropriate to award compensation towards future loss of income on the basis of permanent disability.

11. Nevertheless, it cannot be overlooked that the appellant had sustained a fracture of the femur and had to undergo surgical fixation of an iron plate in the hip, which undoubtedly would have caused considerable pain, discomfort and inconvenience. The appellant also remained hospitalized for about fifteen days and must have required assistance, transportation and special diet during the course of treatment and recovery. These factors are relevant considerations while awarding just compensation under the Motor Vehicles Act.



12. Having regard to the nature of injuries, the period of hospitalization, the treatment undertaken, and the inconvenience suffered by the appellant during the course of recovery, this Court is of the considered view that the compensation awarded by the learned Tribunal requires to be suitably enhanced under the conventional heads so as to ensure that the injured claimant receives just and reasonable compensation.

Particulars	Re-assessed (₹)
Loss of Income during Treatment (8 months)	24,000/- (3,000 x 8)
Medical expenses (After Deducting amount of reimbursed bills)	54,000/- (80,000-26,000)
Transportation	5,000/-
Loss of amenities	5,000/-
Attendant	10,000/-
Special diet	10,000/-
Pain and suffering	20,000/-
Total	₹1,28,000/-

13. In view of the above, the appeal is partly allowed. The impugned award dated 04.12.2000 is modified to the extent that the compensation payable to the appellant is enhanced from ₹51,640 to **₹1,28,000/-**. 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

19.03.2026
Poonam

- (i)

Whether speaking/reasoned

:

Yes/No
- (ii)

Whether reportable

:

Yes/No