



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

FAO-2303-2001 (O&M)
Date of decision: 04.02.2026

DARSHAN SINGH

....Appellant

Versus

AMRIK SINGH AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. N.S. Virk, Advocate for the appellant.

Mr. Kuldeep, Advocate for
Ms. Manvi Singla, Advocate for respondent No.2.

Mr. P.S. Dhaliwal, Advocate for respondents No.3 and 5.

Mr. Vikas Chaudhary, Advocate for respondent No.7.

YASHVIR SINGH RATHOR. J.(Oral)

1. This appeal is directed against the Award dated 09.02.2000 passed in MACT Case No.14 by Motor Accident Claims Tribunal, Barnala (**for short “Tribunal”**) in a petition under Section 166 of Motor Vehicles Act, 1988 vide which a sum of Rs.87,000/- has been awarded as compensation to the claimant on account of injuries suffered by him in a motor vehicular accident and respondents No.1, 2 and 7, who are driver, owner and insurer of offending vehicle No.PIP-7756, were held liable to pay the amount of compensation to the claimant jointly and severally.

2. Mr. Vikas Chaudhary, Advocate has put in appearance on behalf of



for respondent No.7, and filed his *Vakalatnama*, which is taken on record.

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.1, while driving the offending vehicle bearing No.PIP-7756, which was owned by respondent No.2 and insured with respondent No.7 and the said finding has not been assailed by the respondents either by filing any appeal or cross-objections.

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

“1. *Whether Darshan Singh died due to rash and negligent driving of the disputed Van No.PIP-7756 by Amrik Singh respondent No.1 owned by Karamjit Singh respondent No.2 and insured with National Insurance Co. respondent as alleged? OPA*

2. *Whether the tractor in question bearing No.PCT 3662 being driven by Bahadur Singh respondent No.3 owned by Jodh Singh etc. and other respondents, was also involved in the accident? If so the extent of involvement of the truck driver, owner and insurance Co. of the same? OPA*

3. *If issue No.1 and 2 are proved whether the claimant is entitled to received compensation? If so from whom and to what extent? OPP.*

4. *Whether the claim petition is not maintainable? OPR.*

5. *Whether this Court has no jurisdiction to try and entertain this claim petition? OPR*

6. *Whether the claim petition is bad for non-joinder and mis-joinder of parties? OPR*

7. *Whether the driver of the offending vehicle was not*



- 3-

holding a valid driving licence at the time of accident? OPR.

8. *Relief.”*

5. Thereafter, the parties led evidence in support of their case.

6. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.87,000/- as compensation to the claimant along with interest @ 12% per annum from the date of filing of claim petition till realization.

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

8. At the very outset, 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 passed by the Tribunal.

9. As per version of appellant, he was 38 years of age at the time of accident and was earning Rs.5,000/- per month and he has suffered injuries and is entitled to compensation.

10. The compensation granted to the appellant has been assessed by the Tribunal in paras No.19 and 20 of the award which is reproduced as under:-

“19. Claimant Darshan Singh as PW.5 says that he spent Rs.1,00,000/- on his treatment and remained in the Hospital for many days. He also spent Rs.50,000/- on diet and Rs.3000/- on taxies. He stated that he has become unable to work. He has not produced the bill of taxies and diet. He has proved his bills on his treatment from Dashmesh Khalsa Hospital Ex.P-1, Ex. P-10 for Rs.36451/-.

20. Disability has occurred to him to the extent of 20% as per certificate proved by Dr. Rajwinder Singh PW.1 as Ex.P-2. The income of this claimant is not proved. It is not mentioned whether the



- 4 -

disability is permanent or temporary. There is stiffness of left knee and fracture of thigh. The compensation, thus, in my view to this claimant should be Rs.50,000/- on the disability plus expenses mentioned above. Rounding the amount on expenses as Rs.37,000/-, I award Rs.87,000/- as compensation to this claimant. Hence this issue is decided accordingly in favour of the claimant Darshan Singh injured.”

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 claims 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 this case, appellant had produced bills for Rs.36,451/- which have been awarded to him towards expenses incurred on the treatment and there is no reason to take a contrary view.



13. Appellant had suffered fracture in his thigh and disability to the extent of 20% on account of stiffness in the left knee and learned Tribunal awarded him a lump sum compensation of Rs.50,000/- on this account. However, in my considered opinion, the compensation awarded to the appellant is inadequate. Appellant had suffered grievous injuries. It is a matter of common knowledge that such injuries take a long time to heal and pain component in such grievous injuries is also on higher side and he should have been awarded compensation under various heads separately i.e. pain and suffering, expenses incurred on treatment, expenses incurred in engaging an attendant, on transportation, on special diet as well as on account of permanent disability.

14. Since appellant had suffered grievous injuries, he is held entitled to a sum of Rs.15,000/- for pain and suffering. It must have taken at least three months for the injuries to heal and during this period, appellant must have spent some amount in engaging an attendant, on special diet and on transportation and in all, he is held entitled to a sum of Rs.15,000/- under the aforesaid heads.

15. Appellant has failed to prove his income but he can still be treated as a daily wager. The accident took place on 05.10.1995 and taking his income to be around Rs.1500/-/Rs.1600/- per month, he is held entitled to a sum of Rs.5,000/- for loss of income, during the period of treatment, as it must have taken at least three months for the injuries to heal during which period, he would not have been able to do any work.

16. So far as disability is concerned, he has suffered 20% disability on account of fracture suffered by him in the thigh and due to stiffness in the left knee and he is accordingly held entitled to a sum of Rs.35,000/- on account of



permanent disability suffered by him.

17. Accordingly, the compensation to be awarded to the appellant is assessed as under:-

S.No.	Under Head	
1.	Pain and sufferings	Rs.15,000/-
2.	Expenses on special diet, transportation and in engaging an attendant	Rs.15,000.-
3.	Loss of income during the period of treatment	Rs.5,000/-
4.	Permanent disability	Rs.35,000/-
5.	Medical expenses	Rs.37,000/-
5.	Total	Rs. 1,07,000/-

18. Learned Tribunal had awarded him a compensation of Rs.87,000/- in all, on account of permanent disability, medical expenses and on assessment by the Court, the same comes out to Rs.1,07,000/-.

19. Resultantly, the appeal in hand is partly accepted with costs and appellant is held entitled to a sum of Rs. 20,000/- (Rs.1,07,000/- - Rs.87,000/-) 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. 18.03.1996 till realization payable by respondents No.1, 2 and 7 jointly and severally. The entire amount of compensation be paid to the appellant in cash as the compensation is meagre.

20. Registry is directed to email the authenticated copy of the award to the respondent Insurance Company in terms of direction 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.



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

04.02.2026
amandeep

(YASHVIR SINGH RATHOR)

JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No