



FAO No.3492 of 2001 and other connected case 1

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: 21.01.2026
Pronounced on: 23.01.2026
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1. FAO No.3492 of 2001 (O&M)

TEJ PAL SINGH

... APPELLANT

VERSUS

VINOD KUMAR AND OTHERS

... RESPONDENTS

2. FAO No. 3496 of 2001 (O&M)

SANT RAM

... APPELLANT

VERSUS

VINOD KUMAR AND OTHERS

... RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Ms. Lipika Mamli, Advocate
for the Appellants in both the appeals.

Mr. Gyan Parkash Saini, Advocate,
Mr. Gautam Kale, Advocate for
for respondent No.1 and 2.

Mr. Suvir Dewan, Advocate
for respondent No.3.

VIRINDER AGGARWAL, J. (Oral)

1. Both the appeals arise out of a common award dated 1.09.2000 passed by the Motor Accident Claims Tribunal, Jagadhari, in both claim Petitions. By the impugned award, the learned Tribunal disposed of both claim petitions filed under Section 166 of the Motor Vehicles Act, 1988, awarding compensation to the claimants on account of injuries sustained in a motor vehicular accident. Feeling aggrieved by the quantum of compensation awarded, which the appellants contend is inadequate and is not in consonance with settled principles, the claimants have preferred these



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appeals seeking enhancement of the compensation. Since both the appeals stem from the same accident and common award, they are being disposed of by this common judgment.

BACKGROUND FACTS

2. The facts leading to the present appeals, in brief, are that on 01.11.1998, the injured appellants were travelling on a motorcycle bearing registration No. HR-02D-9269, driven by Tej Pal Singh with Sant Ram as pillion rider, proceeding towards Kapal Mochan Mela on official duty. When the motorcycle reached near Gaba Hospital, Yamunanagar, a Maruti Van bearing registration No. HR-02A-4590, driven by respondent No.1, came from the opposite direction (Jagadhri side) at a high speed and in a rash and negligent manner and struck against the motorcycle by veering onto the wrong side. As a result of the said accident, Tej Pal Singh sustained multiple contusions on his right leg, chest, right arm elbow, whereas Sant Ram suffered multiple injuries including a grievous fracture of his right femur leading to 20% permanent disability. An FIR was registered against respondent No.1, and a criminal trial ensued based on the police challan.

3. Consequent upon the accident, claim petitions came to be filed by the injured appellants under Section 166 of the Motor Vehicles Act before the learned Motor Accident Claims Tribunal, Jagadhri, seeking compensation under various heads such as medical expenditure, pain and suffering, loss of income, and damage to the motorcycle (in the case of Tej Pal Singh). The learned Tribunal clubbed the petitions, noticing that both claims pertained to the same accident, and proceeded to record common evidence on issues of negligence and liability, while separate evidence was



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considered regarding the nature of injuries, treatment, and quantum of compensation in each individual petition.

4. Upon appreciation of the oral and documentary evidence led by the parties, the learned Tribunal returned a categorical finding that the accident in question occurred due to rash and negligent driving of the offending Maruti Van bearing registration No. HR-02A-4590 by respondent No.1. The learned Tribunal relied upon the testimony of injured eye-witnesses Tej Pal Singh (PW.12) and Sant Ram (PW.11), medical evidence, and police record (including challan Ex.P.9) to arrive at the said conclusion. The learned Tribunal further held that respondent No.1 was driving the offending vehicle with a valid and effective driving licence at the time of accident (as no contrary evidence was led by the insurer) and that the vehicle was duly insured with respondent No.3. Consequently, respondents No.1 to 3 were held jointly and severally liable, with the insurer being liable to indemnify the insured. Further, while determining the quantum of compensation, the learned Tribunal, in the case of Tej Pal Singh, awarded a sum of ₹1,800/- on account of injuries sustained by him and ₹3,400/- towards damage to the motorcycle, thereby awarding total compensation of ₹5,200/-. In the case of Sant Ram, the learned Tribunal awarded compensation of ₹45,000/- towards medical expenses, ₹45,000/- on account of loss of income, both past and future, and ₹15,000/- for pain and suffering, aggregating to a total sum of ₹1,05,000/-. The learned Tribunal further directed that the awarded amounts shall carry interest at the rate of 12% per annum from the date of filing of the respective claim petitions till realization.



CONTENTIONS

5. 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 Sant Ram 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.

6. Per Contra, the learned counsel for the respondent No1,2 & 3, while supporting the impugned award, submits that the learned Tribunal has appreciated the evidence in its correct perspective and has passed the award strictly in accordance with law. It is argued that claims of both the injured persons have been duly considered and the amounts awarded under various heads are just, proper and reasonable. It is further contended that no infirmity, perversity or misreading of evidence can be attributed to the conclusions arrived at by the learned Tribunal so as to warrant interference by this Court in exercise of appellate jurisdiction.

OBSERVATIONS AND FINDINGS

7. 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



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liability, I find no reason to take a different view. The findings on those aspects are accordingly affirmed. However, the core issue arising in both these appeals pertains to the reassessment of the quantum of compensation.

8. 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 both the cases, 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 respective records.

(i). FAO No. 3492 of 2001 (Injury Case of Tej Pal Singh)

9. It clearly emerges from the award, medical certificate (Ex.P.9), and the medical bills (Ex.P.5, Ex.P.6, Ex.P.36 to P.37) on record that Tej Pal Singh suffered multiple contusions of different sizes over the body, was admitted to Gaba Hospital on the date of accident, discharged the same day, and advised 14 days bed rest. The evidence of Dr. B.S. Gaba (PW.1), supported by documentary evidence, establishes that the injuries were simple in nature with no fractures or permanent disability. It further emerges from the record that the appellant was a government employee, and the injuries led to temporary incapacity without any loss of earnings, as he availed medical leave with full pay from 01.11.1998 to 16.11.1998. The findings of the learned Tribunal on medical expenses are justified and do not



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warrant interference by this Court. However, keeping in view his age, the nature of injuries sustained, treatment, and the consequent pain, suffering, and emotional trauma, a reasonable enhancement under the pecuniary and non-pecuniary heads is warranted. Additionally, the compensation for motorcycle damage (₹3,400/- after depreciation, as per bills Ex.P.97 to P.100) is maintained, as the tortfeasor cannot take advantage of the appellant's insurance recovery. The following compensation is to be reassessed:

Particulars	Awarded by Tribunal (₹)	Re-assessed (₹)
Medical expenses	800/-	800/-
Pain and suffering	1000/-	5,000/-
Special diet	x	5,000/-
Damage to motorcycle	3,400/-	3,400/-
Total	₹5,200/-	₹14,200/-

FAO No. 3496 of 2001 (Injury Case of Sant Singh)

10. In the case of Sant Ram, a perusal of the award reveals that the learned Tribunal has recorded that the appellant sustained a fracture of the right femur in the accident and remained hospitalised and under medical treatment, including two surgical interventions (first on 01.11.1998 at Gaba Hospital and second from 08.01.1999 to 22.01.1999 at Mahajan Hospital). The medical evidence further shows that the appellant remained incapacitated for a considerable period (medical leave from 01.11.1998 to 31.03.1999 with full pay) and as per Ex.P.64, proved through PW-13 Dr. Deepan Jain, the appellant suffered 20% permanent physical disability on account of the injuries sustained. PW-9 Dr. R.K. Mahajan has categorically deposed that the appellant required surgical procedures including plating



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and bone grafting, followed by prolonged OPD treatment. However, there is no evidence on record to show that the said permanent disability has resulted in any functional disability affecting the earning capacity of the appellant in his avocation as a surveyor as he continued getting same salary for his service. Consequently, no enhancement on account of future loss of earning capacity on the basis of functional disability is warranted. Nevertheless, the fact remains that the appellant has suffered 20% permanent physical disability, which by itself is a relevant factor for awarding just compensation under the Motor Vehicles Act. Such disability would inevitably cause discomfort, restriction of movement, and inconvenience in day-to-day life. Therefore, the appellant is entitled to reasonable compensation on account of permanent disability independent of loss of earning capacity. However, having regard to the nature of injury, prolonged period of treatment and the pain and suffering undergone by the appellant, and the necessity of transportation, attendant assistance and special diet during the course of treatment, this Court finds it just and appropriate to enhance the compensation under the heads of loss of income, pain and suffering, loss of amenities of life, transportation charges, attendant charges and special diet. The compensation is, accordingly, reassessed as reflected in the following table.

Particulars	Awarded by Tribunal (₹)	Re-assessed (₹)
Loss of future Income due to permanent disability	45,000/-	1,00,000/-
Pain and suffering	15,000/-	20,000/-
Medical expenses	45,000/-	45,000/-



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Transportation	10,000/-	
Loss of amenities	x	10,000/-
Attendant	x	10,000/-
Special diet	x	10,000/-
Total	₹1,05,000/-	₹2,05,000/-

11. Accordingly, the cumulative result of both the connected FAOs is summarised as under:

FAO No.		Re-assessed (₹)
3492/2001	₹5,200/-	₹14,200/-
3496/2001	₹1,05,000/-	₹2,05,000/-

12. In the light of the above discussion and the computation undertaken hereinabove, both the present appeals are partly **allowed** to the extent of enhancement of compensation as reassessed in each individual case. The enhanced amount shall carry interest at rate of 7% per annum from the date of filing of the respective claim petitions till the realisation of the entire amount. 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.

13. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

14. A photocopy of this order be placed on the file of the connected case.

(VIRINDER AGGARWAL)
JUDGE

23.01.2026

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No