



207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-3821-2001 (O&M)
Date of Decision: 25.02.2026

KAPTAN SINGH

..... Appellant

Versus

BHAGWAN SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Ms. Jyotsna Saini, Advocate
for the appellant (Amicus Curiae).

Mr. Vishwajit Bedi, Advocate
for respondent No.3-Insurance Company.

YASHVIR SINGH RATHOR, J. (Oral)

1. This appeal has been instituted against the Award dated 12.10.2000 passed by Motor Accidents Claims Tribunal, Ambala (**for short “Tribunal”**) for enhancement of compensation awarded in MACT Case No.41/1997 in a petition under Section 166 of Motor Vehicles Act, 1988, vide which a sum of ₹40,000/- has been awarded as compensation to the claimant/appellant along with interest at the rate of 12% per annum on account of injuries suffered by him in a motor vehicular accident, which took place on account of rash and negligent driving by respondent No.1 while driving the offending vehicle bearing No. PJK-1557, which was owned by respondent No.2 and insured with respondent No.3 and respondents were held liable to pay the amount of compensation to the claimant jointly and severally.



2. The matter is being taken up in the post lunch session.
3. From the pleadings of parties, following issues were framed and relevant issues are as under:-

- “1. Whether the accident dated 16.02.1997 resulting into the injuries to the claimants Jagdish Singh, Jagir Singh and Kaptan Singh took place due to rash and negligent driving of truck No.PJK-1557? OPP.*
- 4. Whether claimant Kaptan Singh is entitled to receive any amount of compensation and if so, from whom?OPP*
- 5. Whether the offending truck was being driven by a person without holding a valid driving license? OPR-3*
- 6. Whether the Insurance Company is not liable? OPR-3.*
- 7. Relief. ”*

4. Thereafter, the parties led evidence in support of their case.
5. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of ₹40,000/- as compensation to the claimant, on account of injuries suffered by him along with interest @ 12% per annum from the date of filing of claim petition till realization.
6. Feeling aggrieved, the appeal in hand has been preferred. The material on file has been perused and parties have been heard.
7. The only issue required to be determined in the present appeal relates to the assessment of compensation. Therefore, the entire facts regarding the manner of the accident are not required to be reproduced in detail, as the Tribunal has already held under issue No.1



that the accident occurred due to the rash and negligent driving on the part of respondent No.1, driver of offending truck No.PJK-1557, which was owned by respondent No.2 and insured with respondent No.3 and all of them were held liable to pay compensation jointly and severally. No appeal or cross-objections have been filed by respondents, challenging the said finding and accordingly finding on issue No.1 is not required to be interfered with.

8. As per version of claimant/Kaptan Singh, he was a minor and had suffered injuries in the accident. In support of his case, his father has stepped into the witness box as PW-2 and deposed that his minor son had suffered injuries in the accident in his left leg. His left foot was amputated and he could not attend school for a year and lost one academic year. He is facing difficulty in walking.

9. PW1-Dr. Hari Om Aggarwal, Orthopaedic Surgeon, was also examined, who deposed that the patient had suffered permanent disability to the extent of 10% and he tendered in evidence the disability certificate Ex.P1.

10. PW3-Dr. K.D. Sharma, Orthopaedic Surgeon, deposed that he had operated upon the patient and has tendered the OPD treatment card. He further stated that patient remained admitted in his hospital for 32 days and he had charged with Rs.13,250/- for the treatment.

11. Learned Tribunal awarded a sum of ₹ 20,000/- on account of expenses incurred on the treatment on the basis of evidence led on file, which, in my opinion, has correctly been assessed and no interference in



the same is thus called for.

12. However, it is established that claimant had suffered fractures and he was operated upon but no compensation has been awarded on account of pain and sufferings by the Tribunal and the compensation thus has not been assessed as per settled principles of law. It is a matter of common knowledge that such injuries take a long time to heal and pain component is also on higher side and accordingly, petitioner is held entitled to a sum of ₹ 15,000/- on account of pain and sufferings.

13. It must have taken at least three months for the injuries to heal and during this period, the claimant must have spent some amount on transportation, in engaging an attendant and also on nutritious diet but no compensation has been awarded under these heads by the Tribunal. Accordingly, claimant is held entitled to a sum of ₹ 10,000/- under these heads.

14. The claimant had suffered 10% disability and a sum of ₹20,000/- has been awarded as compensation on account of permanent disability. The claimant was a minor child aged 12 years and in view of the injuries suffered by him, he had also suffered loss of one academic year as the statement of the father in this regard has gone unchallenged and accordingly, the compensation on account of permanent disability is enhanced to ₹25,000/- and he is also held entitled to a sum of ₹7,500/- on account of loss of an academic year.



15. The compensation to be awarded is accordingly assessed as under:-:-

S.No.	Under Head	Compensation awarded by the Tribunal	Compensation awarded by High Court
1.	Expenses incurred on treatment	₹20,000/-	₹20,000/-
2.	Pain and suffering	Nil	₹15,000/-
3.	Attendant Charges, Special Diet and Transportation	Nil	₹10,000/-
4.	Disability @10%	₹20,000/-	₹25,000/-
5.	Loss of one academic year	Nil	₹7,500/-
	Total Compensation	₹ 40,000/-	₹ 77,500/-
	Interest	12%	9%

16. As a result of afore-said discussion, the present appeal is partly accepted with costs and the claimant is held entitled to enhanced compensation of ₹37,500/- (₹77,500/- - ₹40,000/-) over and above the compensation awarded by Tribunal, payable by the respondents jointly and severally, along with interest @ 9% per annum, from the date of filing of claim petition i.e. 27.08.1997, till realization.

17. 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.

18. Pending miscellaneous application(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

25.02.2026
Priyanka Thakur

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