



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(109/1)

FAO-5762-2004(O&M)
Date of Decision:-23.02.2026

Dalbir Singh

.....Appellant

Versus

Shakti and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Namit Sharma, Advocate,
for the appellant.

Mr. R.C. Gupta, Advocate,
for respondent No.3-Insurance Company.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present appeal has been preferred by the appellant—claimant seeking enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Panipat (hereinafter “*the Tribunal*”), vide award dated 01.10.2004, whereby a sum of ₹6,000/- was granted on account of injuries sustained by the appellant in a motor vehicular accident that occurred on 12.08.2002.

2. Brief facts of the case are that the appellant, Dalbir Singh, sustained severe head injuries in a motor vehicle accident, resulting in prolonged hospitalization and subsequent mental illness. Due to these injuries, he required continuous medical treatment, attendant care, special diet, and transportation for follow-ups. The accident caused loss of income, pain and suffering, loss of enjoyment of life, and adversely affected his marriage prospects. The learned Motor Accidents Claims Tribunal, Panipat,

partly allowed the claim but awarded inadequate compensation. Dissatisfied with the impugned award, the appellant has filed this appeal for enhancement of compensation.

3. Learned counsel for the appellant submits that the amount awarded by the Tribunal is wholly inadequate and does not reflect a just, fair, or reasonable assessment of the pecuniary and non-pecuniary loss suffered by the claimant. It is submitted that the Tribunal did not correctly assess the compensation under various heads, namely, medical expenses, pain and suffering, attendant charges, special diet, transportation, loss of income during treatment, loss of enjoyment of life, future medical expenses, permanent disability, and loss of marriage prospects. A detailed calculation chart has been placed on record to demonstrate the correct computation.

4. On the contrary, learned counsel for respondent No.3—Insurance Company, opposing the appeal, submit that the award passed by the learned Tribunal does not require any interference by this Court, as the same has been passed by correctly appreciating the evidence led before it.

5. Having considered the rival submissions and upon a meticulous perusal of the record, with the able assistance of learned counsel for the parties, this Court is of the considered view that the impugned award dated 01.10.2004, passed by learned Tribunal, does not fully conform to the settled principles of law governing just and equitable compensation to the appellant-claimant.

6. Upon careful consideration of the pleadings, oral evidence and medical record placed on file, this Court is of the considered opinion that the learned Motor Accidents Claims Tribunal, Panipat has not awarded “just compensation” as contemplated under Section 166 of the Motor

Vehicles Act, 1988. It is well settled that the Motor Vehicles Act, 1988 is a beneficial and welfare legislation intended to provide just and reasonable compensation to victims of motor accidents. The approach of the Tribunal must be pragmatic and not hyper-technical. In ***Abhimanyu Partap Singh v. Namita Sekhon & Anr.*** 2019 SCC Online P&H 6271, the Hon'ble Supreme Court held that in injury cases, compensation must include medical expenses, attendant charges, transportation, special diet and other incidental expenses where the injured has remained incapacitated for a considerable period. The Act being a beneficial piece of social welfare legislation, the approach of the learned Tribunal must be liberal, pragmatic and guided by the principle of restitution rather than strict proof as required in civil trials. An injured claimant cannot be denied reasonable compensation merely on account of absence of meticulous documentary evidence, particularly when the injuries and treatment stand proved from the record.

7. In the present case, the appellant sustained multiple injuries and remained under treatment for a considerable period. The medical documents on record corroborate that he had to undergo treatment and incur expenses on medicines and hospital visits. Even though the learned Tribunal awarded a consolidated and meagre amount, it failed to separately and adequately assess compensation under the recognized heads of damages. So far as pain and suffering is concerned, it is evident that the appellant endured physical pain, trauma and discomfort during the period of treatment and recovery. Compensation under this head must reflect the nature of injuries and duration of suffering. Additionally, it is a matter of common experience that a person recovering from injuries is required to take nutritious and special diet for proper healing. Therefore, a sum of

₹5,000/- towards pain and suffering (including special diet) is found to be just and reasonable.

8. With regard to medical expenses, though the documentary evidence may not be exhaustive, the record clearly establishes that the appellant underwent treatment and purchased medicines. The amount of ₹4,000/- awarded towards medical expenses is maintained as reasonable in the facts and circumstances of the case.

9. As regards loss of income, the appellant asserted that he was unable to attend to his avocation during the period of treatment. Temporary loss of earning capacity during recuperation is a legitimate head of compensation. Considering the nature of injuries and period of treatment, a sum of ₹5,000/- is awarded towards loss of income. Further, it cannot be ignored that an injured person requires assistance during the period of treatment and recovery. Even if a family member renders such services gratuitously, the claimant is entitled to compensation under the head of attendant charges. Therefore, ₹2,000/- is awarded towards attendant expenses. Similarly, repeated visits to hospitals and medical facilities necessarily involve expenditure towards conveyance. Taking a reasonable and practical view, a sum of ₹5,000/- is awarded towards transportation charges.

10. Accordingly, the appeal is allowed. The award dated 01.10.2004 passed by the learned Motor Accidents Claims Tribunal, Panipat is hereby modified and the appellant–claimant shall be entitled to a total compensation of ₹21,000/- instead of ₹6,000/- awarded by the learned Tribunal. The enhanced amount of compensation shall carry interest @

7.5% per annum from the date of filing of the claim petition till its realization.

11. The respondent No.3-Insurance Company is directed to deposit the enhanced amount along with accrued interest within a period of eight weeks from the date of receipt of a certified copy of this judgment, failing which the same shall carry interest @ 9% per annum for the period of delay.

12. All pending application(s), if any, stand disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

23.02.2026
Shubham

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No

