



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

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Date of decision: 18.03.2026

1. FAO-3240-2005

RAJBIR

...Appellant

Versus

DALIP & ORS.

...Respondents

2. FAO-3241-2005

KARAMJIT

...Appellant

Versus

DALIP & ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Maneet Kaushik, Advocate for the appellant(s).

Mr. P.S. Saini, Advocate and

Ms. Gurjan Nahata, Advocate for respondent No.3.

YASHVIR SINGH RATHOR. J.(Oral)

1. Both the aforesaid appeals have been instituted against the award dated 20.10.2004 passed by MACT Karnal (**for short “Tribunal”**), vide which claim petitions filed by the claimants under Section 166 of Motor Vehicles Act, 1988 for grant of compensation on account of injuries suffered by them in motor vehicular accident have been dismissed.

2. Case of the claimants is that on 25.04.2001 at about 1:00/1:15 pm, they were going towards Sector 7, Karnal, on GT Road on their motorcycle and when they reached near the crossing of Sector 6, motorcycle bearing registration



No.HR-05H-5256 (**hereinafter referred to as offending vehicle**) being driven by respondent No.1 at a fast speed in a rash and negligent manner came from the side of Panipat and hit against the motorcycle of the claimants, which was being driven by claimant-Rajbir at a moderate speed and on the left side of the road. The accident in question took place due to rash and negligent driving on the part of respondent No.1, resulting in injuries to both the claimants. FIR No.123 dated 25.04.2001, Police Station Civil Lines Karnal was registered against respondent No.1, regarding the accident in question.

3. In claim petition No.160/2003 instituted by Karamjit, it has been alleged that he had suffered multiple injuries, including injuries on his jaw and his teeth were broken. He also suffered injuries on his knee and foot. He was treated at Civil Hospital Karnal and thereafter, he is being treated till date and has spent about Rs.30,000/- on his treatment. He was 16 years of age and due to fractures suffered in his jaw and loss of front teeth, he has suffered a lot of pain and sufferings. His face has got dis-figured which is giving an ugly look and he cannot chew his food properly and his marriage prospects have also been diminished. By way of present petition, a sum of Rs.5 lakhs has been claimed as compensation.

4. In claim petition No.159/2003 instituted by Rajbir, it has been alleged that he had suffered multiple grievous injuries including fractures in his left shoulder, left knee and ribs. He was treated at Civil Hospital Karnal and is still under treatment and has spent about Rs.20,000/- on his treatment. Prior to the accident, he was enjoying good health but due to the injuries suffered by him, he has suffered a lot of pain and sufferings and he will not be able to drive any vehicle anymore and has been rendered jobless. By way of present petition, a sum



of Rs.5 lakhs has been claimed as compensation.

5. Respondents No.1 and 2 have filed separate written statements in both the claim petitions and have refuted the contents of the same. Allegations with regard to rash and negligent driving on the part of respondent No.1 have been denied. It is further submitted that in both the claim petitions, it has not been disclosed as to which of the claimant was driving motorcycle bearing No.HR05G-7091. The allegations with regard to nature of injuries and amounts spent on treatment have also been refuted to be wrong. It is also submitted that the injuries had not been suffered in an accident and the same appear to have been suffered in some fight or quarrel. It is further submitted that motorcycle owned by respondent No.2 was duly insured with New India Insurance Company, Karnal and Insurance Company is liable to indemnify the insured. Dismissal of the claim petitions was sought.

6. Respondent No.3 in his written statement has taken altogether similar pleas as have been pleaded by respondents No.1 and 2. The petitions have been opposed being not maintainable and that respondent No.1 was not holding a valid and effective driving licence and as such, Insurance Company is not liable to indemnify the insured on account of breach of terms and conditions of the insurance policy. It is further submitted that the driver of motorcycle bearing No.HR05G-7091 had also contributed to the accident, as he was crossing the GT road while offending vehicle was coming from the side of Panipat and in case, he was crossing the road, he should have been vigilant. Dismissal of the claim petitions has been sought.

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



"1. Whether the claimants had sustained multiple injuries on their respective persons in a road side vehicular accident which had occurred on 25.04.2001 in the area of police station, Civil Lines, Karnal, on account of rash and negligent driving of motor cycle No.HR-05H-5256 by respondent No.1?OPP

2. Whether the claimant Rajbir was entitled to be compensated for the injuries sustained by him in the above accident, if so, to what extent and by whom?OPP

3. Whether the claimant Karamjit Singh was entitled to be compensated for the injuries sustained by him in the above accident, if so, to what extent and by whom ?OPP

4. Whether the respondent No.1 was not holding a valid driving licence at the time of accident, if so, its effect? OPR3

5. Relief."

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

9. After hearing the parties and going through the material on the file, learned Tribunal came to the conclusion that the claimants have pleaded the date of accident to be 24.04.2001, whereas, FIR was registered on 25.04.2001 and they were medico legally examined on 25.04.2001 and they have thus failed to prove that they had suffered injuries in the accident in question and they have also failed to prove that any accident took place on 24.04.2001 and issue No.1 was decided against the claimants. Under issue No.2, claimant- Rajbir was held entitled to compensation to the tune of Rs.6,500/-, while claimant-Karamjit was held entitled to compensation to the tune of Rs.7,000/-. Under issue No.4, it was held that respondent No.1 was holding a valid and effective driving licence and Insurance Company is liable to indemnify the insured. However, in view of finding on issue No.1, the petition in hand was ordered to be dismissed.



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

11. Learned counsel for the appellants argued that the impugned Award passed by the Tribunal is based on conjectures and surmises. The pleadings of the parties and evidence on file have not been appreciated in the correct perspective. Learned counsel contended that the learned Tribunal has come to the conclusion that petitioners claim that accident took place on 24.04.2001 but they have failed to prove this fact, as they were medico legally examined on 25.04.2001 and FIR was also registered on 25.04.2001. However, the Tribunal has not gone through the contents of the claim petitions. In para No.8 of the claim petitions, it has been specifically mentioned that accident in question had taken place on 25.04.2001 but inadvertently in para No.24, date of accident has been mentioned as 24.04.2001, which is a typographical error. In the final report under Section 173 Cr.P.C Ex. P1 also, it is mentioned that the FIR No.123 dated 25.02.2001 was registered regarding the accident in question on the basis of statement of claimant-Rajbir, in which he has specifically mentioned that today i.e. on 25.04.2001, he alongwith Karamjit was going to Sector 7 on motorcycle No.HR05G-7091, when the accident had taken place. Learned counsel further contended that the pleadings have to be read as a whole and due to an inadvertent error, the claimants should not have been non-suited. The proceedings before the Tribunal constituted under Motor Vehicles Act are of summary nature. If there is some evidence before the Tribunal in order to prove a fact, then no nicety, doubt, or suspicion should weigh with it in declining the claim. The claimant is only required to establish his case on the touchstone of preponderance of probability and the standard of proof



beyond reasonable doubt cannot be applied in such a case. Learned counsel next contended that the Motor Vehicles Act is a beneficial piece of legislation enacted to give solace to the victims of motor accidents, who suffer bodily injury or die untimely and is designed in a manner which relieves the victims from ensuring strict compliance with the provisions of law which are otherwise applicable to suits and other proceedings while prosecuting claim petitions filed under the Act for claiming compensation for the loss sustained by them in the accident. Learned counsel further contended that from the various documents placed on file it is established that accident had taken place on 25.04.2001 and not on 24.04.2001 as held by the Tribunal. Learned counsel further contended that the evidence with regard to the rash and negligent driving on the part of respondent No.1 had gone un rebutted and there was no reason to discard the evidence led by the claimants and he prayed that finding on issue No.1 is liable to be reversed. Learned counsel contended that the compensation assessed by the Tribunal under various heads is also grossly inadequate and severity of the injuries suffered by the claimants has not been taken into consideration while assessing the compensation, which too is liable to be enhanced and he prayed that appeals in hand be accepted and adequate and just compensation be awarded to the claimants.

12. On the other hand, learned counsel for the respondents argued that the claimants have themselves pleaded that the accident had taken place on 24.04.2001 and while deposing also, they have stated that the accident had taken place on 24.04.2001 and Tribunal has thus rightly come to the conclusion that the claimants have failed to prove that they had suffered injuries in the accident which allegedly took place on 24.04.2001 and rightly non-suited them and he prayed that



appeals in hand be dismissed.

13. The law is well settled that the compensation to be awarded for injuries suffered by victim in a motor vehicular accident should be just and equitable. Courts have consistently held that while money cannot erase the pain, suffering, or trauma but it is the only legal means to provide restitution and restore the victim to his previous position as far as possible for which 'just compensation' has to be assessed. It is also well settled that while it is impossible to fully compensate for the loss of limb, life, or quality of life, the compensation must be 'Just', meaning thereby, that it should be fair, reasonable, and equitable based on the evidence and not merely a 'Windfall' or a 'Pittance'. The core objective is to put the injured/victim in the same position he would have been if the accident had not taken place, to the extent money can do so. This approach ensures that the law provides a realistic recompense for the trauma endured, rather than just providing normal relief.

14. In both the claim petitions, it has been mentioned in para No.8 that accident had taken place on 25.04.2001 at about 1:00/1:15 pm on the crossing of Sector 6, Urban Estate Karnal. However in para No.24, date of accident has been mentioned as 24.04.2001, which appears to be an inadvertent error. The said final report prepared in case arising out of FIR No.123 dated 25.04.2001 under Sections 279, 337 and 338 IPC, Police Station Civil Lines, Karnal Ex. P-1 shows that the said FIR was registered on the basis of statement given to the police by claimant/injured-Rajbir son of Telu Ram, wherein, he stated that today i.e. on 25.04.2001, he alongwith Karamjit was going to the house of his brother in Sector 7 on motorcycle bearing No.HR05G-7091 and at about 1:15 pm, when they



reached the crossing of Sector 6, on GT Road, motorcycle No.HR-05-H-5256 came from the side of Panipat at a high speed and in a rash and negligent manner and the motorcyclist dashed against his motorcycle, as a result of which, he as well as Karamjit fell on the road and suffered injuries. He alleged that the offending vehicle was being driven by Dalip son of Basaya Ram, resident of Village Nali Kalan, District Karnal.

15. In order to prove rash and negligent driving on the part of respondent No.1, claimant-Rajbir stepped into the witness-box as PW4 and he tendered his affidavit Ex. PB while injured Karamjit stepped into the witness-box as PW3 and tendered his affidavit Ex. PA. Both of them deposed that on 24.04.2001, (inadvertently mentioned as 24.04.2001 instead of 25.04.2001) at about 1:00 pm, they were going towards Sector-7, Urban Estate Karnal, on their motorcycle and when they reached near the crossing of Sector-6, one motorcycle No.HR-05-H-5256 came from the side of Panipat, which was being driven at a high speed and in a rash and negligent manner. The motorcyclist driving the offending vehicle came towards the wrong side on the unmetalled portion of the road and hit their motorcycle, as a result of which, both of them suffered injuries. PW-3 deposed that his jaw was fractured and four teeth were broken. He also suffered injuries in his knee and leg. He remained admitted in Civil Hospital at Karnal for 5-6 days. PW-4 stated that he suffered fracture in his left shoulder, left knee and ribs and he was treated in Civil Hospital, Karnal, where he remained admitted for one month. During cross-examination, PW-4 Rajbir stated that he was driving motorcycle bearing No.HR-05G-7091, while Karamjit was riding the pillion. They started from Government hospital, Karnal at 12:30 pm. One police constable was present



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at the crossing and traffic lights were on. They were in the process of crossing the road, when offending motorcycle hit their motorcycle on the unmetalled portion of the road. He stated that his motorcycle was on due left side. He denied the suggestion that accident had taken place due to rash and negligent driving on his part. Nothing to shatter the veracity of PW-3 and PW-4 could be elicited during their cross-examination and their stand has remained consistent throughout. Similar facts have been mentioned in the FIR on the basis of which final report Ex.P1 has been presented and respondent No.1 has been challaned by the police for causing the accident in question by way of his rash and negligent driving. The FIR was also promptly lodged on the same day and there is thus no possibility of any manipulation or false involvement of the offending motorcycle. Moreover, respondent No.1 has not stepped into the witness-box to controvert the testimony of PW3 and PW4 and to state his case on oath and to offer himself for cross-examination. It is well settled that if a party does not step into the witness-box and does not offer itself for cross-examination to prove the case set up by him, an adverse inference has to be drawn against him that the case set up by him is not true. A perusal of the final report under Section 173 Cr.P.C. Ex.P1 further shows that respondent No.1 has been challaned by the police for the offences under Sections 279, 337 and 338 IPC for causing injuries to claimants, Karamjit and Rajbir, by way of his rash and negligent driving and he faced the trial. It has been held in 1993 (2) PLR 109, ***Girdhari Ram Vs. Radhe Sham and Others***, that if the driver of the offending vehicle is challaned by the police and is facing the trial for causing accident due to rash and negligent driving, it is safe to presume that accident had taken place due to rash and negligent driving on his part. Moreover,



no representation had been given by respondents No.1 and 2 to the police or the higher authorities against false implication of respondent No.1 and for the false involvement of the offending vehicle and had respondent No.1 be falsely implicated, they would not have remained a mute spectator and in these circumstances, the only irresistible conclusion that can be drawn is that accident in question had taken place due to rash and negligent driving on the part of respondent No.1, while driving the offending vehicle. In holding so, I have relied upon 2008 (2) RCR (Civil) 72 *Sudama Devi and Ors. Vs. Kewal Ram and Ors.*

16. PW-1 Dr. R.K. Bijoria, Medical Officer, Civil Hospital, Karnal has also categorically deposed that on 25.04.2001, he was present in Civil Hospital, Karnal on emergency duty, when patients Rajbir and Karamjit were brought to the hospital, on account of injuries suffered by them in a road traffic accident on 25.04.2001 at 1:30 PM. As such, the date and time of the accident were also recorded in the MLR to be 25.04.2001, as was also mentioned in the FIR got registered by claimant-Rajbir. However, learned Tribunal proceeded with the assumption that accident had taken place on 24.04.2001, as was wrongly pleaded in the claim petition. Infact, in para No.8 of the claim petitions, date of accident was mentioned as 25.04.2001, which was inadvertently mentioned as 24.04.2001 in para no.24, but Tribunal should not have non-suited the claimants on account of a typographical error and the entire pleadings should have been looked into, while coming to the conclusion about the date of accident. It is well settled that the proceedings before the Tribunal are summary in nature and if some evidence was available before the Tribunal in order to prove a fact, then no nicety, doubt or suspicion should have weighed with it in deciding the claim petitions. It is well



settled that the Motor Vehicles Act, is a beneficial piece of legislation enacted to give solace to the victims of motor vehicle accidents, who suffered bodily injuries. The Act is designed in a manner which relieves the victims from ensuring strict compliance provided in law, which are otherwise applicable to the suits and other proceedings while prosecuting the claim petitions filed under the Act for claiming compensation for the loss suffered by them. Reference in this regard can be made to 2019 ACJ 454 ***Vimla Devi and Others Vs. National Insurance Co. Ltd. And Others***, 1990 ACJ 127, ***National Insurance Co. Vs. Saloni Dargan and Others***.

17. As a result of the aforesaid discussion, I am of the considered opinion that from the evidence led on file, it is established that the accident in question had taken place on 25.04.2001 on account of rash and negligent driving on the part of respondent No.1 while driving the offending vehicle, resulting in injuries to both the claimants. However, learned Tribunal has not appreciated the facts of the case and material on file in the correct perspective while deciding issue No.1. Finding on issue No.1 being erroneous is thus not sustainable and is accordingly reversed and issue No.1 is decided in favour of the claimants.

18. Now coming to the question of assessment of compensation, claimant Rajbir while appearing as PW-4 deposed that he had suffered fractures in his right shoulder, left knee and ribs. He was treated at Civil Hospital, Karnal, where he remained admitted for one month and he remained under treatment thereafter also. He had spent Rs.30,000/- to Rs.35,000/- on his treatment and he cannot do any work now. Prior to accident, he was a driver and used to earn Rs.3500/- per month besides Rs.50/- as overtime per day and now, he cannot drive a vehicle and he has no source of income.



19. To prove the injuries, the claimant has examined PW-1 Dr. R.K.Bijoria, Medical Officer, Civil Hospital, Karnal, who deposed that on 25.04.2001, he had medically examined Rajbir, who was brought to the hospital with a history of road traffic accident, which took place on 25.04.2001. He had suffered following injuries:-

- “i) Swelling in the middle of left clavicle with mal alignment. Pain and tenderness was there. Skin was normal.*
- ii) Abraded contusion 2cm x 2cm on the posterior aspect of left elbow.*
- iii) Old stitched wound in scalp was there.”*

20. He further deposed that injuries No.1 and 2 were kept under observation subject to X-ray examination. He further deposed that as per treatment record, patient remained admitted in hospital from 25.04.2001 to 02.05.2001 and he had suffered fracture left clavicle and was treated by Dr. R.K. Girdhar, Orthopaedic Surgeon.

21. As such, from the medical evidence brought on file, it is established that the claimant had suffered fracture left clavicle/left shoulder. It is well known that pain component in such injuries is enormous and such injuries take a long time to heal but the Tribunal has not taken into consideration the severity of injuries and has awarded a sum of Rs.500/- only on account of pain and sufferings, which is grossly inadequate. In view of the severity of injuries suffered by the claimant, he is held entitled to a sum of Rs.25,000/- on account of pain and sufferings.

22. In order to prove the expenses incurred on treatment, claimant had led in evidence bills worth Rs.9,911/- Ex. P-15 to P-28, vide which medicines were



purchased. However, the Tribunal observed that no prescription slips of the bills have been produced and that the same appear to be highly exaggerated and ignored the same and awarded a sum of Rs.5,000/- only for the expenses incurred on the treatment. However, the approach of the learned Tribunal was erroneous. It is a matter of common knowledge that the attendants do not preserve the prescription slips and even the receipts, vide which the medicines are purchased, as their primary concern is to provide treatment to the injured. No cogent reasons have been recorded while ignoring the bills worth Rs.9911/- produced by the claimant and the claimant is accordingly held entitled to a sum of Rs.10,000/- for the expenses incurred on the treatment.

23. Claimant has alleged that he was employed as a driver and earning Rs.3,500/- per month. However, no cogent evidence has been led in this regard. Even his driving licence has not been produced to show that he was holding a licence to drive some light motor vehicle or heavy motor vehicle and his version that he was getting Rs.3,500/- per month as salary by working as a driver thus cannot be relied upon. However, the accident had taken place in the year 2001 and even the labourers used to earn around Rs.2500/- per month which were the minimum wages during those days. It must have taken at least 03 months for the injuries to heal during which period claimant would not have been able to do any work and accordingly, he is held entitled to a sum of Rs.7,500/- towards loss of income during the period of treatment.

24. During this period, he must have spent some amount on special diet for his nourishment as well as on transportation. However, he has been awarded only a sum of Rs.500/- for special diet and no amount has been awarded for



transportation despite the fact that he must have visited the hospital on several occasions. Accordingly, he is held entitled to a sum of Rs.7,500/- for special diet and on account of expenses incurred on transportation.

25. No evidence has been led that claimant has suffered any permanent disability or will suffer loss of income in future and as such, he is not entitled to any compensation on account of permanent disability.

26. As a result of the aforesaid discussion, the compensation to be awarded to the appellant-Rajbir is assessed as under:-

S.No.	Head	Amount
1.	Pain & suffering	Rs.25,000/-
2.	Medical expenses	Rs.10,000/-
3.	Loss of income (₹2,500 × 3 months)	Rs.7,500/-
4.	Special diet & transportation	Rs.7,500/-
	Total	Rs.50,000/-

27. In order to prove the injuries suffered by him, claimant-Karamjit while appearing as PW-3 has tendered his affidavit Ex.PA and deposed that he had suffered multiple injuries in his jaw, joint left leg and foot. He remained admitted in Government Hospital, Karnal and has spent about Rs.35,000/- to Rs.40,000/- on his treatment. Prior to the accident, he used to work as a labourer and earn Rs.3,000/- per month but now his income has reduced to Rs.1,000/- per month.

28. To prove the injuries, the claimant has examined PW-1 Dr. R.K.Bijoria, Medical Officer, Civil Hospital, Karnal, who deposed that on 25.04.2001, patient Karamjit was brought to Civil hospital, Karnal with a history of road traffic accident, which took place on 25.04.2001. His clothes were soaked with blood and he was found to be suffering from following injuries:-



- i) *Lacerated wound 2cmx.2cm on the lower lip, skin deep, obliquely placed with edema of lower lip and bleeding was also there.*
- ii) *De-arranged teeth of lower jaw with bleeding and fracture. Teeth in the upper jaw with bleeding and fracture. Teeth in the upper jaw was bleeding.*
- iii) *Pain in the left knee joint with mild swelling. No external mark of injury was seen.*
- iv) *Swelling of right knee joint 10cm x 10cm with painful movement.*
- V) *Two minor abrasions of size .5cm x .5cm on the right hand.*

29. He further deposed that injuries No.1 and 2 were kept under observation for dental surgeon's opinion and X-ray. Injuries No.3 and 4 were kept under observation for X-ray opinion and Orthopaedic Surgeon's opinion, while injury no.5 was simple.

30. PW-2 Dr. Meenu Gupta, Dental Surgeon deposed that she had examined patient Karamjit on 26.04.2001, while posted as dental surgeon in Civil Hospital, Karnal. Patient was admitted in Civil Hospital, Karnal, vide Medico-Legal Report No.RB-51-2001 dated 25.04.2001. Number of teeth present in the oral cavity were 28 i.e. 14 teeth in upper jaw and 14 teeth in lower jaw. She deposed that upper left incisors and lower central incisors were fractured ellis class-iii. The lower right lateral incisor was dislocated mesialy. The lower incisors were mobile grade-iii. Advised I.O.P.A. x-ray of upper and lower incisors. On radiological examination, the upper right incisors and lower central incisors were fractured ellis class-iii and lower right lateral incisors was dislocated mesialy with widening of periodontal ligament space. The lower incisors were extracted on 27.04.2001 and 30.04.2001 and teeth were ankylosed. She deposed that in



layman's language, the term ankylosed means teeth fused to bone due to an underlying chronic infection. The mobility Grade-iii means mobility of the teeth within the socket of 1 mm and movement in all directions. She deposed that the above-said injuries required surgical intervention and patient opted for extraction of mobile teeth and he remained admitted in the hospital from 25.04.2001 to 02.05.2001. As such, from the medical evidence led on file, it is established that claimant Karamjit had suffered injuries on his face and fractures in his upper left incisors and lower central incisors and his lower incisors were removed. The injuries were grievous in nature but the Tribunal has awarded him a sum of Rs.1,000/- only for pain and sufferings, which is grossly inadequate and the severity of injuries has not been taken into consideration. Accordingly, the claimant is held entitled to a sum of Rs.30,000/- on account of pain and sufferings.

31. To prove the expenses incurred on treatment, claimant led in evidence bills Ex. P-4 to P-14, amounting to Rs. 10,340/- but the bills have not been taken into consideration with the observation that no prescription slips of the bills have been produced and that the same appear to be highly exaggerated and ignored the same and awarded a sum of Rs.5,000/- only for the expenses incurred on the treatment. However, the approach of the learned Tribunal was erroneous. It is a matter of common knowledge that the attendants do not preserve the prescription slips and even the receipts, vide which the medicines are purchased, as their primary concern is to provide treatment to the injured. No cogent reasons have been recorded while ignoring the bills worth Rs.10,340/- produced by the claimant and the claimant is accordingly held entitled to a sum of Rs.10,340/- (rounded to Rs.10,500/-) for the expenses incurred on the treatment.



32. Claimant has alleged that he was employed as a labourer and earning Rs.3,000 per month. However, no evidence has been led to prove the income. However, the accident had taken place in the year 2001 and even the labourers used to earn around Rs.2500/- per month which were the minimum wages during those days. It must have taken at least 03 months for the injuries to heal and during this period, claimant would not have been able to do any work and accordingly, he is held entitled to a sum of Rs.7,500/- towards loss of income during the period of treatment.

33. During this period, he must have spent some amount on special diet for his nourishment as well as on transportation. However, he has been awarded only a sum of Rs.500/- for special diet and no amount has been awarded for transportation despite the fact that he must have visited the hospital on several occasions. Accordingly, he is held entitled to a sum of Rs.7,500/- for special diet and on account of expenses incurred on transportation.

34. Claimant has lost his four teeth on account of injuries suffered by him, including the upper left incisors and lower central incisors. He has become dis-figured and will not be able to chew his food and eat properly. As such, he is also entitled to compensation on account of loss of amenities to the extent of Rs.20,000/-.

35. As a result of the aforesaid discussion, the compensation to be awarded to the appellant-Karamjit is assessed as under:-

S.No.	Head	Amount
1.	Pain & suffering	Rs.30,000/-
2.	Medical expenses	Rs.10,500/-
3.	Loss of income (₹2,500 × 3 months)	Rs.7,500/-
4.	Special diet & transportation	Rs.7,500/-
5.	Loss of Amenities	Rs.20,000/-
	Total	Rs.75,500/-



36. Resultantly, the appeals in hand are partly allowed with costs and appellant- Rajbir is held entitled to compensation of Rs.50,000/- and appellant- Karamjit is held entitled to compensation of Rs.75,500/-. The aforesaid amount shall be payable alongwith interest @ 9% per annum from the date of filing of the claim petition i.e 26.05.2001 till realization. The respondents shall be jointly and severally liable to pay the compensation.

37. 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.

38. Photocopy of this order be placed on the file of connected case.

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

18.03.2026
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

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