



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(224)

Decided on: 09.03.2026

1. FAO No. 3314 of 2005 (O&M)

Ishita Mittal (Minor) through her mother Simmi Mittal ...Appellant

Versus

Bhupinder Singh @Lovely and others. ... Respondents

2. FAO No. 3315 of 2005 (O&M)

Bharat Ram @ Bharat Singh. ... Appellant

Versus

Bhupinder Singh @ Lovely and others. ... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Ishan Cooner, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for respondent no.3-Insurance Company.

Ms. Saloni Sharma, Advocate
for respondent no. 2 in FAO-3315/2005

VIRINDER AGGARWAL,J. (Oral)

1. The present two appeals arise out of the motor vehicular accident dated 17.08.2000 and the awards dated 02.03.2005 passed by the learned Motor Accident Claims Tribunal, Jalandhar in MACT Case No.116 of 2001 (filed on behalf of minor claimant Ishita Mittal) and MACT Case No.117 of 2001 (filed by claimant Bharat Ram @ Bharat Singh). Since both the appeals arise out of the same motor vehicular accident and involve identical questions of fact and law, they are being disposed of together by this common judgment.

**BACKGROUND FACTS**

2. The motor vehicular accident in question occurred on 17.08.2000 at about 2:15 p.m. near Sant Vatika, opposite Osho Hotel, Jalandhar. At the relevant time, the claimants along with other family members were travelling from Amritsar to Ludhiana in a Ford Icon car bearing registration No. PB-10-AP-0730. When the vehicle reached near the place of occurrence, a Maruti car bearing registration No. CH-01-Z-7015, being driven by respondent No.1 in a rash and negligent manner and at a high speed, came from the opposite direction and after coming on the wrong side of the road struck against the car in which the claimants were travelling. As a result of the said collision, the occupants of the vehicle sustained multiple injuries and one Jiya Lal (grandfather of claimant-Ishita) lost his life. The injured persons were shifted to hospital and were subsequently treated at D.M.C. Hospital, Ludhiana. FIR No.452 dated 17.08.2000 under Sections 279, 337, 338, 427 and 304-A IPC was registered with Police Station Sadar, Jalandhar regarding the occurrence. The injured claimants thereafter filed separate claim petitions under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of the injuries suffered by them in the said accident.

3. It is also significant that respondent No.1 and 2, the driver and owner respectively of the offending vehicle, neither contested the claim petition nor appeared in the witness box to rebut the evidence led by the claimants. They were proceeded against ex-parte. The Respondent no.3 filed written statement challenging the claim petition on ground that the respondent no. 1 was not holding a valid driving license and that the accident had taken



place due to rash and negligent driving of the car by the father of claimant-Ishita.

4. Upon appreciation of the evidence on record, the learned Tribunal returned a categorical finding that the accident had occurred due to the rash and negligent driving of the Maruti car bearing No. CH-01-Z-7015 by respondent No.1 and held the respondents jointly and severally liable to compensate the claimants. However, the learned Tribunal awarded compensation of ₹7,875/- to claimant Ishita Mittal and ₹13,610/- to claimant Bharat Ram @ Bharat Singh along with interest @ 9% per annum from the date of filing of the claim petition till the realisation of the amount. Dissatisfied with the quantum so awarded, the present appeals seeking enhancement of compensation have been preferred.

CONTENTIONS

5. Learned counsel for the appellants contends that the compensation awarded by the learned Tribunal is wholly inadequate and does not satisfy the requirement of “just compensation” within the meaning of the Motor Vehicles Act. It is argued that the learned Tribunal has confined the award substantially to the proved medical expenses and has granted only a nominal amount under the head of pain and suffering. No amount has been granted towards other well-recognised heads such as special diet, transportation, attendant charges, loss of income during treatment and loss of amenities. It is further submitted that the Tribunal has ignored the nature of the injuries sustained by the claimants and the fact that both of them had to undergo medical treatment and hospitalisation. The failure to award compensation under the conventional



heads has resulted in a manifestly inadequate award which calls for interference by this Court.

6. Per contra, learned counsel appearing for the Insurance Company supports the impugned awards and submits that the learned Tribunal has assessed the compensation on the basis of the evidence available on record and no further enhancement is warranted.

OBSERVATIONS AND FINDINGS

7. I have heard learned counsel for the parties and have carefully perused the record.

8. At the outset, it may be noticed that the findings recorded by the learned Tribunal on the issue of rash and negligent driving of the offending vehicle have not been disputed before this Court. The Tribunal has relied upon the unrebutted testimony of the injured witnesses and the contemporaneous record including the FIR. In the absence of any material to the contrary, the findings recorded by the Tribunal on the issue of negligence deserve to be affirmed and are accordingly upheld. The only question which arises for consideration in the present appeals is with respect to the adequacy of the compensation awarded to the claimants.

9. In the injury cases, 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 each of such 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. The object is to award a sum which can reasonably compensate the injured for the physical and mental trauma suffered due to the accident.

(I) CLAIM OF ISHITA MITTAL (MINOR)

10. In the case of minor claimant Ishita Mittal, the learned Tribunal has awarded compensation of ₹5,872/- towards medical expenses and ₹2,000/- towards pain and suffering, making the total compensation of ₹7,875/-. A perusal of the record shows that the claimant had sustained head injuries in the accident and had undergone treatment at D.M.C. Hospital, Ludhiana. She was admitted in hospital from 17.08.2000 to 19.08.2000. she must have stayed bed ridden for recovery of the injuries. Due to which she must had taken special diet and required any attendant to take care of herself. Considering the nature of injuries, the age of the claimant and the period of treatment, the compensation awarded by the learned Tribunal under the heads is clearly inadequate and deserves enhancement. Consequently, keeping in view of above said reasons this court think it appropriate to award the amount of compensation under the heads of special diet and attendant.

11. The compensation payable to the claimant is, therefore, reassessed as under:

Particulars	Awarded by Tribunal (₹)	Re-assessed (₹)
Medical expenses	5,872/-	5,872/-
Pain and suffering	2,000/-	5,000/-



Attendant charges	x	2,500/-
Special diet	x	2,500/-
Total	7,875	15,872/-

(II) CLAIM OF BHARAT RAM @ BHARAT SINGH

12. In the case of claimant Bharat Ram @ Bharat Singh, the learned Tribunal has awarded ₹11,610/- towards medical expenses and ₹2,000/- towards pain and suffering, totalling ₹13,610/-. The evidence on record indicates that the claimant had suffered injuries including a fracture in his foot and remained under treatment for a considerable period. The claimant was working as a driver and had also deposed regarding the difficulty faced by him in performing his work during the period of recovery. Despite these circumstances, the learned Tribunal has not awarded any amount towards special diet or attendant charges. In view of the nature of injuries on his feet and the circumstances appearing on record, this Court is of the opinion that the compensation awarded by the learned Tribunal requires appropriate enhancement.

13. The compensation payable to the claimant is reassessed as under:-

Particulars	Awarded by Tribunal (₹)	Re-assessed (₹)
Medical expenses	11,610/-	11,610/-
Pain and suffering	2,000/-	5,000/-
Attendant charges	x	2,500/-
Special diet	x	2,500/-
Total	7,875	21,610/-

14. In the light of the above discussion and the computation undertaken hereinabove, both the present appeals are partly **allowed** to the



extent of compensation as reassessed in each individual case. The enhanced amount shall carry interest at the 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.

15. Since the main appeals have been decided, any pending miscellaneous application(s), if any, shall also stand disposed of.

16. A photocopy of this judgment be placed on the file of the connected case.

(VIRINDER AGGARWAL)
JUDGE

09.03.2026
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Whether Speaking/Reasoned : *Yes/No*
Whether Reportable : *Yes/No*