



S. No.230

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:29.01.2026

1.

FAO No.4604 of 2005

Gurtej Singh

Vs.

Amrik Singh and others

.....Appellant

.....Respondents
2.

FAO No.4605 of 2005

Jeet Kaur and others

Vs.

Amrik Singh and others

.....Appellant

.....Respondents
3.

FAO No.4606 of 2005

Manjit Kaur

Vs.

Amrik Singh

.....Appellant

.....Respondents
4.

FAO No.4607 of 2005

Jaswant Kaur and others

Vs.

Amrik Singh and others

.....Appellants

.....Respondents
5.

FAO No.4608 of 2005

M/s Super Pipes Bhawanigarh

Vs.

Amrik Singh and others

.....Appellants

.....Respondents
6.

FAO No.4973 of 2005

Sewa Singh

Vs.

Amrik Singh and others

.....Appellant

.....Respondents

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR



Present:- Mr. Nissim Aggarwal, Amicus Curiae for
the appellants.

Mr. Mohit Garg, Advocate for respondent No.1
in FAO No.4973 of 2005.

Mr. Neeraj Khanna, Advocate for Mr. Ravinder Arora,
Advocate for respondent- Insurance Company.

Yashvir Singh Rathor, J. (Oral)

1. The afore-said appeals have been instituted against the common award dated 30.04.2005 passed by MACT, Sangrur vide which claimants had sought compensation on account of death of Shamsheer Singh, Joga Singh, Gurmukh Singh and injuries suffered by claimants Sewa Singh, Gurtej Singh and damage suffered by truck No.PB-13-2133 owned by M/s Super Pipes, Bhawanigarh in a motor vehicular accident which took place on 24.01.2000. Since all the appeals have arisen against the common award, the same are being decided together by way of this judgment.

2. Case of the claimants is that on 24.01.2000, Joga Singh (since deceased) while driving truck No.PB-13-2133 owned by M/s Super Pipes, Bhawanigarh, was coming from Nabha to Bhawanigarh. Sewa Singh (injured), Gurmukh Singh (since deceased), Shamsheer (since deceased) and Gurtej Singh (injured) were also sitting in the said truck in which iron material was loaded. The truck was being driven at a very normal speed after following traffic rules and when it reached near M/s Shankar Rice Nils, Village Aloarkh, truck bearing No.PB-12B-1277 came from the side of Bhawanigarh which was being driven by respondent No.1 – Amrik Singh at a high speed and in the rash and negligent



manner and he hit the truck into the truck being driven by Joga Singh, as a result of which, the ill-fated truck fell into a canal. Three occupants of the truck, namely, Joga Singh, Shamsher Singh and Gurmukh Singh died at the spot while Gurtej Singh and Sewa Singh suffered multiple injuries and the truck was badly damaged. The claim petitions were filed for grant of compensation on account of death of Joga Singh- driver, Gurmukh Singh and Shamsher Singh and injuries suffered by Gurtej Singh and Sewa Singh and damage caused to the truck. It is also submitted that respondent No.1 was the driver, respondent No.2 was the owner of the offending vehicle which was insured with respondent No.3 and all the respondents are jointly and severally liable to pay compensation.

3. Respondent No.1 in his written statement alleged that accident in question took place due to rash and negligent driving by the driver of truck No.PB-13-2133 and he was not negligent at all while driving truck No.PB-12B-1277. The driver of the ill-fated truck was driving it in a zig zag manner and when truck of respondent No.1 took a turn on its correct side, the entire front portion of the truck passed through truck No.PB-13-2133 but since driver of truck No.PB-13-2133 could not control the truck which was loaded with iron material, the driver side of the truck struck against the left rear rim of the tyre of the truck of respondent No.1 which went out of control and fell into the canal and iron pipes pierced the wooden body and hit the occupants of the truck resulting in death of three persons and injuries to two persons.

4. Respondent No.3 in its written statement has also refuted the contents of the claim petition and sought the dismissal of the same.



5. Following issues were separately framed in claim petitions titled as **“Gurtej Singh Vs. Amrik Singh”**. **"Sewa Singh Vs. Amrik Singh"**, **Jeet Kaur Vs. Amrik Singh** and **“Manjit Kaur Vs. Amrik Singh”**, **"Jaswant Kaur Vs. Amrik Singh"** and **"M/s Super Pipes Vs. Amrik Singh"**:-

“1. Whether the claimant suffered injuries in an accident taking place on 24.1.2000 due to rash and negligent driving of respondent no.1?
OPP

2. If issue no.1 is proved, to what amount and from whom the claimant is entitled to compensation?OPP

3. Whether respondent no.1 was not holding the valid driving licence?OPR

4 Whether the vehicle in question was not holding the fitness certificate for plying on the road?OPR

5. Relief.

6. Thereafter, it came to the notice of the Tribunal that Issue No.1 in claim petitions titled as **"Jeet Kaur Vs Amrik Singh"** and **“Manjit Kaur Vs Amrik Singh"** had been wrongly framed and Issue No.1 in both the claim petitions was reframed as under:-

"Jeet Kaur Vs Amrik Singh"

1. Whether Shamsher Singh died in an accident taking place on 24.1.2000 due to rash and negligent driving of respondent no.1.?OPP.

“Manjit Kaur Vs Amrik Singh"



1. Whether Gurmukh Singh died in an accident taking place on 24.1.2000 due to rash and negligent driving of respondent no. 1.? OPP.

7. The following issues were framed in the claim petition titled as **“Jaswant Kaur Vs Amrik Singh”:-**

1. Whether Joga Singh died in an accident taking place on 24.1.2000 due to rash and negligent. driving of respondent no.1.?OPP
2. If issue no.1 is proved, as to what amount and from whom the claimants are entitled to receive compensation?OPP
3. Whether the respondent no.1 was not holding the driving licence? OPR-3.
4. Whether the vehicle in question was not holding fitness certificate for plying on the road?0PR-3.
5. Relief.

8. The following issues were framed in the claim petition titled as **"M/s Super Pipes Vs. Amrik Singh":-**

1. Whether the vehicle no. PB-13-2133 damaged in the accident taking place on 24.1.2000 due to rash and negligent driving of respondent no.1?OPP
2. If issue no. 1 is proved, to what amount and from whom the claimant is entitled to recover compensation?OPP
3. Whether the respondent no.1 was not holding the valid driving licence?0PR-3.



4. Whether the vehicle in question was not holding the fitness certificate for plying on the road?0PR-3.

5. Relief.”

9. In order to prove their respective cases, claimants Jeet Kaur, Jaswant Kaur, Manjit Kaur, Sewa Singh and Gurtej Singh appeared as AW1, AW2, AW3, AW4 and AW6 respectively. They have also examined AW5 Naresh Kumar, AW7 Jarnail Singh, AW8 Madan Lal, AW9 Ashok Kumar, AW10 Om Parkash, AW11 Ajay Pal, AW11 Dr. Gurdeep Singh, AW11-A Dr. Subhash Mahajan (both AWs wrongly numbered as AW11-B and the counsel for the claimants also tendered in evidence copy of post mortem reports Ex. A74 to A76, copy of FIR Ex.A77, copy of challan Ex.A78 and copy of site plan Ex. A79 and closed the evidence on its behalf.

10. On the other hand, the counsel for respondents Nos.1 and 2 tendered driving licence mark `A` and verification report mark `B` and closed the evidence. The counsel for respondent No.3 also closed the evidence on its behalf.

11. After hearing the parties and going through the material on file, learned Tribunal came to the conclusion that accident in question had taken place on account of rash and negligent driving on the part of respondent No.1 while driving the offending vehicle and Issue No.1 in all the claim petitions was decided against the respondents. No appeal or cross objections have been filed by the respondents in any of the appeal and the finding on Issue No.1 has not been assailed by the respondents and same is accordingly affirmed.

12. I have heard learned counsel for the parties and have perused the material placed on record.



13. Learned Amicus Curiae Shri Nissim Aggarwal, Advocate argued that the compensation assessed by the learned Tribunal in all the petitions is highly inadequate and the settled principles of law with regard to assessment of compensation under various heads have not been taken into consideration. The income of the deceased as well as injured have been assessed on lower side. Future prospects have not been added and proper multiplier has not been applied in the case of death of three persons. Besides this, no compensation for loss of consortium has been awarded. Deduction @ 50% ought to have been made towards personal expenses in respect of two of the deceased who were bachelors. Nothing has also been paid towards attendant charges, special diet and expenses incurred in engaging an attendant in the case of injured claimant and the compensation is thus liable to be enhanced.

14. Learned counsel next contended that no amount has been awarded in respect of the damage suffered by the truck in question and the evidence led on file has been ignored on hyper-technical grounds. Learned counsel contended that strict principles of Evidence Act and CPC are not applicable in the claim petitions to be decided by the Tribunal which are summary proceedings and the Tribunal can devise its own method in assessing the compensation. Learned counsel lastly contended that the Tribunal should award compensation which appears to be just and wide discretion vests in the Tribunal in the matter of determination of compensation which is a beneficial legislation. While assessing compensation under Motor Vehicles Act, it can neither be allowed to be used as a source of profit nor as a windfall to the person affected nor should it be punitive to the persons liable to pay compensation and the determination of compensation should



be based on certain data, establishing reasonable nexus between the loss incurred by the victim or the dependants of the deceased and learned counsel prayed that the compensation be adequately enhanced in all the appeals.

15. On the other hand, learned counsel for respondents argued that adequate compensation has been awarded after taking into consideration the material on file. The award in question does not suffer from any material ambiguity and same does not call for any interference and learned counsel prayed that appeal in hand be dismissed.

16. **Compensation in FAO No.4605 of 2005**
“Jeet Kaur @ Jeeto and another Vs. Amrik Singh and others”:-

Claim Petition No.15/2000 has been instituted by claimants – Jeet Kaur and Nahar Singh (parents of deceased- Shamsheer Singh). To prove their case, claimants examined one of the petitioners, namely, Jeet Kaur as AW1 who deposed that deceased Shamsheer Singh was her son who was 19 years of age. He was working in the factory at Bhawanigarh and used to get Rs.1800/- per month as salary. She deposed that the family was dependant upon the deceased. To prove his employment and income, petitioner has also examined AW10 Om Parkash, who deposed that he is working with Super Pipes Factory, Bhawanigarh. Deceased- Shamsheer Singh was also working in the said factory and was being paid Rs.1750/- per month as salary and he produced the account books regarding payment of salary Ex.A69 and Ex.A70. Nothing to shatter the testimony of AW1 and AW10 could be elicited during their cross-examination. No evidence was also led by respondents to prove to the contrary that deceased was not working in the said factory or that he was not earning Rs.1750/- per month. Learned Tribunal



after going through the evidence on the file and taking into consideration the post mortem report Ex.A76 came to the conclusion that deceased was 18 years of age as mentioned in the post mortem report and that he was working in Super Pipes Factory at Bhawanigarh and was getting Rs.1800/- per month as salary. However, as per testimony of AW10 Om Parkash, deceased was drawing salary of Rs.1750/- per month and accordingly, salary of deceased is taken as Rs.1750/- per month.

17. As per guidelines laid down in 2017 ACJ 2700 – **National Insurance Co. Ltd. Vs. Pranay Sethi and Others**, 40% of the amount has to be added towards future prospects as deceased was working in a private factory and was not a government employee. After adding 40% towards the future prospects, the monthly income comes out to **Rs.2450/- (Rs.1750/- + Rs.700/-)**.

18. Deceased was unmarried and has left behind his parents and as such, 50% of the income has to be deducted towards personal and living expenses as per law laid down in 2009(6) SCC 121 – **Smt. Sarla Verma and others Vs. Delhi Transport Corporation and Another**. After deducting one half of the income towards personal expenses, the monthly dependency comes out to Rs.1225/- per month and the annual dependency comes out to **Rs.14,700/- (Rs.1225/- x 12)**. As per guidelines laid down in **Sarla Verma's case (supra)**, multiplier of 18 has to be applied and after applying the same, the compensation comes to **Rs.2,64,600/- (Rs.14,700/- x 18)**.

19. In view of guidelines laid down in **Pranay Sethi's case (supra)**, appellant No.1 is also held entitled to a sum of **Rs.40,000/-** towards consortium, **Rs.15,000/-** towards loss of estate and **Rs.15,000/-** towards funeral expenses.

Likewise, in view of law laid down in 2018 (4) R.C.R. (Civil) 333, '**Magma**



General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & Others',
appellant No.2, who is the father, is also held entitled to a sum of **Rs.40,000/-**
towards consortium and total compensation payable to the appellants comes out to
Rs.3,74,600/- (Rs.2,64,600 + Rs.70,000/- + Rs.40,000/-) as against **Rs.1,58,400/-**
awarded by the Tribunal. Accordingly, it is held that appellants are entitled to
enhanced compensation of **Rs.2,16,200/- (Rs.3,74,600/- - Rs.1,58,400/-)** rounded
off to **Rs.2,16,000/-** in equal shares on account of death of Shamsheer Singh
alongwith interest @ 9% per annum from the date of filing of the claim petition
i.e. 29.08.2000 till realisation payable by respondents jointly and severally. The
appeal accordingly stands partly allowed with costs with the afore-said
modification in the award.

20. **Compensation in FAO No.4607 of 2005**
"Jaswant Kaur and others Vs. Amrik Singh alias Meeca
and another ":-

Claim Petition No.11/2000 has been instituted by claimants – Jaswant
Kaur -wife and Paramjeet Kaur, Manjeet Kaur and Ramandeep Kaur, who are
daughters of the deceased. To prove their case, one of the claimants, namely,
Jaswant Kaur stepped into the witness box as AW2, who deposed that deceased
Joga Singh was her husband, who was working as a truck driver with Super Pipes
Factory at Bhawanigarh and he used to get Rs.2300/- per month as salary and she
along with her children was dependant upon him. She stated that age of the
deceased was 35 years at the time of accident. Petitioners have also examined
AW10 Om Parkash, who deposed that he is working with Super Pipes Factory,
Bhawanigarh. Deceased- Joga Singh was working as a truck driver in the said
factory and a sum of Rs.2300/- was being paid to him as salary and he produced



Statement of Account Ex.A.71. Nothing to shatter the testimony of AW2 and AW10 could be elicited during their cross-examination. No evidence was also led by respondents to prove to the contrary that deceased was not working in the said factory or that he was not earning Rs.2300/- per month. Learned Tribunal after going through the evidence on the file and taking into consideration the post mortem report led in evidence, came to the conclusion that deceased was 35 years of age and was getting Rs.2300/- per month as salary. Learned Tribunal deducted one third of income towards personal and living expenses and after applying multiplier of 15, a sum of Rs.2,70,000/- was awarded as compensation to the claimants.

21. However, the compensation awarded by the Tribunal in respect of deceased- Joga Singh is grossly inadequate. From the material on file, it is established that deceased was getting Rs.2300/- per month as salary by working as a driver. As per guidelines laid down in 2017 ACJ 2700 – **National Insurance Co. Ltd. Vs. Pranay Sethi and Others**, 40% of the amount has to be added towards future prospects as deceased was working in a private factory and was not a government employee. After adding 40% towards the future prospects, the monthly income of deceased comes out to **Rs.3220/- (Rs.2300/- + Rs.920/-)**.

22. Learned Tribunal has deducted one third of the amount towards personal and living expenses. However, deceased has left behind four dependants and 1/4th of the income thus has to be deducted towards personal and living expenses as per law laid down in **Sarla Verma's case (supra)**. After deducting one fourth of the income towards personal expenses, the monthly dependency comes out to Rs.2415/- (Rs.3220/- - Rs.805/-) per month and the annual



dependency comes out to **Rs.28,980/- (Rs.2415/- x 12)**. As per guidelines laid down in **Sarla Verma's case (supra)**, multiplier of 16 has to be applied and after applying the same, the compensation comes to **Rs.4,63,680/- (Rs.28,980/- x 16)**.

23. In view of guidelines laid down in **Pranay Sethi's case (supra)**, appellant No.1 is also held entitled to a sum of **Rs.40,000/-** towards spousal consortium, **Rs.15,000/-** towards loss of estate and **Rs.15,000/-** towards funeral expenses. Likewise, in view of guidelines laid down in 2018 (4) R.C.R. (Civil) 333, '**Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & Others**', appellants No.2 to 4, who are children of deceased, are also held entitled to a sum of **Rs.40,000/-** each towards filial consortium and total compensation payable to the appellants comes out to **Rs.6,53,680/- (Rs.4,63,680 + Rs.70,000/- + Rs.1,20,000/-)** as against **Rs.2,70,000/-** awarded by the Tribunal. Accordingly, it is held that appellants are entitled to enhanced compensation of **Rs.3,83,680/- (Rounded to Rs.3,84,000/-) (Rs.6,53,680/- - Rs.2,70,000/-)** in equal shares on account of death of Joga Singh alongwith interest @ 9% per annum from the date of filing of the claim petition i.e. 29.08.2000 till realisation payable by respondents jointly and severally. The appeal accordingly stands partly allowed with costs with the afore-said modification in the award.

24. **Compensation in FAO No.4606 of 2005**
"Manjeet Kaur and another Vs. Amrik Singh alias
Meeca and others":-

Claim Petition No.13/2000 has been instituted by claimants – Manjeet Kaur and Jagtar Singh (parents of the deceased- Gurmukh Singh). To prove their case, claimants examined one of the petitioners, namely, Manjeet Kaur as AW3 who deposed that deceased Gurmukh Singh was her son aged 19 years,



who was working in the Super Pipes Factory at Bhawanigarh and was getting Rs.1750/- per month as salary. She deposed that her husband is a labourer and they were dependant upon their son Gurmukh Singh. To prove his employment and income, petitioners have also examined AW10 Om Parkash, who deposed that he is working with Super Pipes Factory, Bhawanigarh. Deceased- Gurmukh Singh was also working in the said factory and was being paid Rs.1750/- per month as salary and he produced the account books regarding payment of salary Ex.A71. Nothing to shatter the testimony of AW3 and AW10 could be elicited during their cross-examinations. No evidence was also led by respondents to prove to the contrary that deceased was not working in the said factory or that he was not earning Rs.1750/- per month. Learned Tribunal after going through the evidence on the file and taking into consideration the post mortem report Ex.A75 came to the conclusion that deceased was 18 years of age as mentioned in the post mortem report and that he was working in Super Pipes Factory at Bhawanigarh and was getting Rs.1750/- per month and accordingly, salary of deceased is taken as Rs.1750/- per month.

25. As per guidelines laid down in 2017 ACJ 2700 – **National Insurance Co. Ltd. Vs. Pranay Sethi and Others**, 40% of the amount has to be added to the income towards future prospects as deceased was working in a private factory and was not a government employee. After adding 40% towards the future prospects, the monthly income comes out to **Rs.2450/- (Rs.1750/- + Rs.700/-)**.

26. Deceased was unmarried and has left behind his parents and as such, 50% of the income has to be deducted towards personal and living expenses as per law laid down in 2009(6) SCC 121 – **Smt. Sarla Verma and others Vs. Delhi**



Transport Corporation and Another. After deducting one half of the income towards personal expenses, the dependency comes out to Rs.1225/- per month and the annual dependency comes out to **Rs.14,700/- (Rs.1225/- x 12)**. As per guidelines laid down in **Sarla Verma's case (supra)**, multiplier of 18 has to be applied and after applying the same, the compensation comes to **Rs.2,64,600/- (Rs.14,700/- x 18)**.

27. In view of guidelines laid down in **Pranay Sethi's case (supra)**, appellant No.1 is also held entitled to a sum of **Rs.40,000/-** towards parental consortium, **Rs.15,000/-** towards loss of estate and **Rs.15,000/-** towards funeral expenses. Likewise, in view of law laid down in 2018 (4) R.C.R. (Civil) 333, '**Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & Others**', appellant No.2, who is the father, is also held entitled to a sum of **Rs.40,000/-** towards parental consortium and total compensation payable to the appellants comes out to **Rs.3,74,600/- (Rs.2,64,600 + Rs.70,000/- + Rs.40,000/-)** as against **Rs.1,52,400/-** awarded by the Tribunal. Accordingly, it is held that appellants are entitled to enhanced compensation of **Rs.2,22,200/- (Rs.3,74,600/- - Rs.1,52,400/-)** in equal shares on account of death of Gurmukh Singh alongwith interest @ 9% per annum from the date of filing of the claim petition i.e. 29.08.2000 till realisation payable by respondents jointly and severally. The appeal accordingly stands partly allowed with costs with the afore-said modification in the award.

28. **Compensation in FAO No.4973 of 2005**
"Sewa Singh Vs. Amrik Singh alias Meeca and others":-



Claim Petition No.14/2000 has been instituted by claimant – Sewa Singh (injured). As per version of petitioner – Sewa Singh, he had suffered multiple injuries in the accident and to prove his version, he has stepped into the witness box as AW4. He deposed that he was working as a driver with Super Pipes Factory and was getting Rs.2300/- per month as salary. He deposed that he suffered injuries in the accident and remained admitted in CH Bhawanigarh in Rajendra Hospital, Patiala and remained idle for 3-4 months and had spent about Rs.15,000/16,000/- on his treatment and he feels pain as and when he does any work. He produced medical bills Ex.A1 to Ex.A18. He further deposed that he has become permanently disabled.

29. However, learned Tribunal came to the conclusion that no medical evidence has been led on file to establish that he was ever admitted at CH Bhawanigarh or Rajendra Hospital, Patiala or that he has become permanently disabled. Only some medical bills have been produced and exhibited by him but neither any doctor has been examined nor any medical record has been summoned to prove that he remained admitted in the hospital. He has also not summoned any Chemist to prove the medical bills. Learned Tribunal disbelieved the bills produced by him by observing that merely by exhibiting some bills in evidence without any further proof, it will not be just to grant any compensation as he has failed to prove the injuries and the amount of expenses incurred on his treatment.

30. However, bills in his possession were tendered in evidence and the respondents could have disproved the same by summoning the Chemist. It is well settled that the proceedings before the Tribunal are summary in nature and no strict principles of Evidence Act are applicable in such proceedings and the



Tribunal can devise its own method/mode while assessing compensation. The claimant was a layman and he did not produce any medical record and could not examine any doctor to prove the injuries but he certainly had suffered trauma of accident. He claimed that he had spent Rs.15,000/- on his treatment. The record of the Tribunal which had been summoned in the High Court has got burnt and had it been available, the amount spent on his treatment could have been calculated. However, some guess work has to be applied while assessing compensation in the interest of justice and it can be assumed that he must have spent at least Rs.5,000/- on his treatment. Besides this, it is held that he is also entitled to a sum of Rs.5,000/- towards *Pain and Sufferings* on account of trauma of accident suffered by him. Appellant is accordingly held entitled to a sum of **Rs.10,000/-** towards compensation on account of injuries suffered by him along with interest @9% per annum from the date of filing of petition i.e. 29.09.2000 till realization payable by respondents jointly and severally. The appeal accordingly stands partly allowed with the afore-said modification in the award.

31. **Compensation in FAO No.4604 of 2005**
“Gurtej Singh Vs. Amrik Singh alias Meeca and others”:-

Claim Petition No.12/2000 has been instituted by claimant – Gurtej Singh (injured). To prove his case, petitioner – Gurtej Singh stepped into the witness box as AW6. He deposed that he was working in Super Pipes Factory and was getting Rs.1750/- per month as salary. He deposed that he had suffered multiple injuries in the accident in question and was taken to Civil Hospital at Bhawanigarh from where he was referred to Amar Hospital, Patiala. He was operated upon in the said hospital and then shifted to Rajendra Hospital, Patiala



and he had spent about Rs.80,000/90,000/- on his treatment and produced bills Ex.A19 to Ex.A61. He deposed that he has suffered permanent disability to the extent of 40%. He produced the copy of application Ex.AW5/2 and the disability certificate Ex.AW5/1. He stated that he is now idle after the accident. In support of his case, he has also examined AW7 – Jarnail Singh, who deposed that he is working as a Medical Practitioner for the last 15 years. On 01.04.2001, patient namely Gurtej Singh had come to him and he had suffered fracture in his right thigh and he had treated Gurtej Singh for about one month. He has proved the prescription slips Ex.A47 and Ex.A48.

32. AW11- Ajay Pal, Computer Incharge, Amar Hospital, Patiala has also been examined, who deposed that patient Gurtej Singh remained admitted in their hospital and a sum of Rs.12,267/- was incurred on his treatment and he was discharged on 03.02.2000. He led in evidence the receipt of payment Ex.A73.

33. AW11A- Dr. Gurdeep Singh, Chief Consultant, Orthopaedic Department, Amar Hospital, Patiala produced the treatment record of patient Gurtej Singh and deposed that he was admitted in the hospital on 25.01.2000 with the history of compound fracture of right femur and fracture of both bones of right leg. Patient was operated upon and plaster was applied and bone debridement was done and skeletal traction was applied and this patient was discharged on 04.02.2000 with advise to follow up the treatment. He tendered the discharge slip Ex.A46.

34. AW11B- Dr. Subhash Mahajan, Senior Lecturer, Department of Orthopaedic, Rajendra Hospital, Patiala produced the bed head ticket of patient Gurtej Singh and deposed that he was admitted in the hospital on 06.03.2000.



Patient had suffered fracture shaft femur right with fracture both bones of right side leg and there was history of accident on 25.01.2000/. He deposed that stitching was done on 09.03.2000 on the wound of right side and on 21.03.2000, he was operated upon and plating of femur was done and patient was discharged on 04.04.2000. He tendered bed head ticket Ex.A.73 and disability certificate to the extent of 40% which has been led in evidence as Ex.AW5/.

35. Nothing favourable could be elicited during the cross-examination of afore-said witnesses and it is thus established that petitioner had suffered grievous injuries in the accident and he had suffered compound fracture right femur and fractures of both bones of right leg. He was operated upon twice, once at Amar Hospital, and thereafter at Rajendra Medical College, Patiala and he remained hospitalised from the date of accident i.e. 24.01.2000 till he was discharged from Rajendra Hospital on 04.04.2000.

36. Learned Tribunal has awarded a sum of **Rs.24,289/-** towards medical expenses as per bills produce by him which have thus been properly assessed on the basis of evidence led before the Tribunal.

37. Learned Tribunal has awarded compensation under the head “**Pain and Sufferings**” only to the extent of Rs.10,000/-. It has come in evidence that petitioner had suffered fracture femur and fractures in both bones of right leg. He underwent surgeries twice. It is a matter of common knowledge that pain component in such type of injuries is enormous and the same take a long time to heal and the petitioner is accordingly held entitled to a sum of **Rs.25,000/-** towards “**Pain and Sufferings**”.



38. No amount has been awarded towards the transportation charges, expenses incurred in **engaging an attendant and on special diet** and petitioner is also held entitled to a sum of **Rs.15,000/-** under the said Head as he had visited hospitals on various occasions. He must have also engaged an attendant and spent some amount on his special diet during the period of treatment.

39. The Tribunal has awarded a sum of Rs.80,000/- under the head **“Permanent Disability”** which too needs to be re-assessed as the same is on lower side. Petitioner has suffered 40% permanent disability on account of fractures suffered in his femur and right leg and the functional disability is accordingly taken as 25% as it relates to a particular limb and is not qua whole body.

40. AW10 has deposed that injured was working as a labourer and was getting Rs.1750/- as salary and he produced the account books and tendered the copy of the same as Ex.A70.

41. Nothing to shatter the testimony of afore-said witnesses could be elicited during their cross-examinations. No evidence was also led by respondents to prove to the contrary that deceased was not working in the said factory or that he was not earning Rs.1750/- per month. Accordingly, salary of deceased is taken as Rs.1750/- per month.

42. However, the record of the Tribunal has got burnt and there is no proof with regard to age of the claimant on the file from which the appropriate multiplier could be applied while assessing compensation for loss of income on account of permanent disability but some guess work has to be applied and in the



interest of justice, the compensation under this Head awarded by the Tribunal is enhanced to Rs.1 lakh.

43. Accordingly compensation payable to appellant- Gurtej Singh is assessed as Rs.1,64,289/- (rounded to Rs.1,64,000/-) (Rs.24,289/- + Rs.25,000/- + Rs.15,000/- + 1,00,000/-) as against Rs.1,15,000/- awarded by Tribunal. The appellant is thus entitled to enhanced compensation of **Rs.49,000/- (Rs.1,64,000/- - Rs.1,15,000/-)** on account of injuries suffered by him alongwith interest @ 9% per annum from the date of filing of the claim petition i.e. 29.08.2000 till realisation payable by respondents jointly and severally. The appeal accordingly stands partly allowed with costs with the afore-said modification in the award.

44. **Compensation in FAO No.4608 of 2005**
“M/s Super Pipes Bhawanigarh Vs. Amrik Singh alias
Meeca and others”:-

Claim petition No.46/2000 was instituted by M/s Super Pipes Bhawanigarh and it had claimed a sum of Rs.1,20,000/- as compensation on account of damage caused to the truck No.PB-13-2133 owned by it in the accident in question. In support of its case, claimant examined AW8 Madan Lal, who had allegedly repaired the truck and AW9 Ashok Kumar, who had produced the bills of spare parts but Tribunal declined to grant any amount of compensation with the following observations:-

“vi) As regards claim petition “M/S Super Pipe Vs. Amrik Singh” the claimant has claimed Rs.1,20,000/- on account of damage caused to truck no.PB-13-2133 in a motor vehicle accident. Madan Lal AW8 has deposed that he had charged Rs.30,000/- on account of repairs



done to truck no.PB-13-2133. The bill Ex.A62 does not show the details of the repair charges as to how it come to Rs.30,000/-. When this witness appeared on 3/4/2003 he admitted in his cross-examination that only three bills have been issued out of this bill book and all other bills are blank. The bill Ex/A62 bears No.702, which goes to show that in the entire year, only three bills were issued by this witness which causes doubt about the genuineness of the bill book. In a routine manner, truck and bus body builder would have issued more than fifty bills in a year. It is pertinent to mention here that this witness appeared in the year 2003 and from the bill book for the year 2000, only three bills were issued by him in one full year. Keeping this fact in view, the genuiness of the bill Ex.A62 is fully doubted. Therefore, the testimony of Madan Lal AW8 regarding the bill Ex.A62 is not held as genuine.

In order to prove the purchase of spare parts, bills Exs.A63 to A68 were produced by AW9 Ashok Kumar. As a matter of fact, the bills of purchase of spare parts should have been produced on the custody of the claimant. But this witness does not say whether he is partner, proprietor, manager of Punjab Tractors, who has allegedly issued the bills Ex.A63 to A678. The alleged bills Exs.A63 to A68 should have come from the custody of the claimant and not from the custody of Ashok Kumar, whose status is silent in his testimony. Therefore, the bills Ex.A63 to A68 cannot be said to have been proved in accordance with law. As far as entry of Ledger i.e.



Ex.A72 is concerned, these are the self-made entries made in the account books of the claimant. The claimant may make as many entries as he likes in his account books and show huge amount having spent. In order to fasten the others with liability, it was required on the part of the claimant to have proved the bills in accordance with law. In these circumstances, issue no.2 is decided against the claimant and in favour of the respondents.”

45. The Tribunal came to the conclusion that the bill Ex.A62 proved by Madan Lal AW8 is doubtful as only three bills had been issued from the Bill Book from the year 2000 till 2003. The bills Ex.A63 to Ex.A68 vide which spare parts were allegedly purchased too came from the custody of Punjab Tractors and which allegedly supplied the spare parts whereas these bills should have been in the possession of the claimants. However, it is not in dispute that the truck at the time of accident was loaded with Iron pipes and had fallen in the roadside ditches and the canal and its body was badly damaged as also admitted by respondent No.1 in his written statement. As such, some amount of guess work has to be applied in assessing the compensation on account of damage to the truck and the evidence led by the claimant cannot be brushed aside merely on hyper-technical grounds. Accordingly, it is held that petitioner must have spent **Rs.40,000/-** on the repair of the afore-said truck and it is entitled to recover the same.

46. Accordingly, appeal in hand is partly allowed with costs and appellant is held entitled to a sum of Rs.40,000/- as compensation on account of damage caused to the truck along with interest @9% per annum from the date of filing of claim petition payable by respondents jointly and severally.



47. Registry is directed to email the authenticated copy of the award to the respondent-Insurance Company in terms of directions 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.
48. All the pending misc. application(s), if any, shall stand disposed of.
49. A photocopy of this order be placed on the files of connected cases.

(Yashvir Singh Rathor)
Judge

January 29, 2026
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No