



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

735

FAO-550-2005 (O&M)

Date of decision : 05.02.2026

Bhupinder Singh

... Appellant

Versus

Ramesh and Others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None for appellant.

Mr. Lalit Garg, Advocate.

for respondent No.3-Insurance Company.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the injured/appellant-claimant who had suffered injuries in motor vehicular accident dated 16.01.2003, on account of rash and negligent driving by respondent No.1 while driving Truck bearing registration No. HR-37-2697.

2. Being aggrieved by the impugned award dated 05.10.2004, passed by the Motor Accident Claims Tribunal, Jagadhri (hereinafter referred to as '**Tribunal**'), vide which the appellant-claimant was found entitled to total compensation of Rs.10,000/- only, the appellant-claimant is seeking enhancement of compensation awarded by the Tribunal as the same is not accordance with his entitlement.

3. Since in present appeal the only issue raised by appellant-claimant is as regards to quantum of compensation and there is no appeal or

cross-objection preferred by respondents to challenge manner of accident, the detailed facts as regards to manner of accident are not being noticed for the sake of brevity.

4. Appellant-claimant has been awarded only Rs.10,000/- as consolidated compensation for injuries suffered by him. In order to prove loss suffered by appellant-claimant on account of injuries, appellant himself has appeared as PW-5 and had examined treating doctor as PW-6. PW-6 doctor had asserted that on 16.01.2003 i.e. on the day of accident, appellant-claimant was admitted in his hospital with injuries on his head, was treated conservatively and after being kept for observation, appellant-claimant was discharged after 09 days on 24.01.2003. PW-6 further asserted to have charged Rs.4,160/- against bill (Ex.P-72) towards hospital expenses. While appearing as PW-5, appellant-claimant has also asserted having suffered injuries and having remained hospitalized at Goel Hospital for about 10 days. He had also placed total bill of expenses towards medicines and hospitalization as Ex.P-72 to Ex.P-80. The total proved bills which includes hospitalization as well as medicines comes to Rs.5064/-.

5. Learned Tribunal has awarded only Rs.10,000/- as consolidated compensation. From the evidence of PW-5 and PW-6, it is clearly proved that injured appellant-claimant had suffered injuries on his head and had remained admitted in hospital for about 09 days from 16.01.2003 to 24.01.2003. These facts duly espouses that appellant-claimant spent considerable time for treatment of injuries suffered by him in accident dated 16.01.2003. Accordingly, appellant-claimant is held to be entitled to compensation of Rs.10,000/- for medical expenses, hospitalization, attendant

charges, special diet and transportation. Keeping in view nature of injuries i.e. on head as well as period of 09 days hospitalisation, it is also clearly made out that appellant-claimant must have suffered immense pain and suffering on account of the injuries, hence appellant-claimant is also held entitled to compensation of Rs.10,000/- for pain and sufferings, suffered by him. Appellant-claimant has claimed that he has suffered loss of income for three months. That he was earning Rs.5,000/- being milk vendor and could not earn his livelihood for three months during which he remained under treatment. However, except for fact the that appellant-claimant remained admitted in the hospital for 09 days and his wound was stitched by doctors, no evidence is forthcoming to show that appellant-claimant had taken three months to recover back. Accordingly, period for which appellant-claimant had remained out of job is taken as one month and appellant-claimant is granted compensation of Rs.5,000/- towards loss of income. Appellant-claimant is entitled to total compensation of Rs.25,000/-.

6. Accordingly, re-worked compensation awarded to appellant-claimant is as under:-

Medical expenses, hospitalization, attendant charges, special diet and transportation		Rs.10,000/-
Pain and sufferings		Rs.10,000/-
Loss of income during treatment		Rs.5,000/-
Compensation awarded by Tribunal	Rs.10,000/-	
Compensation awarded in appeal		Rs.25,000/-

Enhanced amount of compensation	Rs.25,000/- (awarded in appeal)- Rs.10,000/- (awarded by Tribunal)	Rs.15,000/-
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7. Appellant-claimant shall also be entitled to interest over enhanced amount to the extent of 7.5% from the date of filing of claim petition till its realization. Liability of respondents to pay compensation shall be as per award.
8. Appeal is allowed in above terms.
9. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)

JUDGE

05.02.2026

Sunil Chander

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No