



Sr. No.127

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

Date of decision: 12th May 2026

(I) FAO-149-2008 (O&M) WITH IOIN-2-FAO-149-2008

PRIYA AGGARWAL

.....Appellant

versus

SURENDER SINGH AND OTHERS

.....Respondents

(II) FAO-150-2008 (O&M) WITH IOIN-1-FAO-150-2008

AMIT AGGARWAL

.....Appellant

versus

SURENDER SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Alankar Narula, Advocate
for the appellant(s).

Mr. Pardeep Goyal, Advocate
for respondent No.3-Insurance Company
(in both appeals).

HARPREET KAUR JEEWAN, J.

1. Present are the bunch of two appeals, the details of which are mentioned in the heading, involving a common question of law in the context of common set of facts and thus, they are being decided by a common order.

2. The appellants-injured have assailed the correctness of the Award dated 11.06.2007, passed by the Motor Accident Claims Tribunal, Fast Track Court-II, Gurgaon (*hereinafter referred to as 'the Tribunal'*), and sought enhancement of compensation awarded to them on account of the injuries suffered in a road-side accident.



3. As per the brief facts, on 25.03.2005, at about 9:15 PM, the appellants were going on their motor cycle bearing Registration No. DL-3S/AG-0267 from their house to Palam Vihar Exchange Chowk and the motor cycle was being driven by appellant-Amit Aggarwal. When they reached in front of the Building Triangle, an Esteem Car being Registration No.DL-9CJ-5147, which was being driven by respondent No.1-Surender Singh, struck with their motor cycle. The appellants fell down and received multiple serious injuries. FIR bearing No.120, under Sections 279, 337, 338 and 427 IPC was registered on 26.03.2005 against respondent No.1-Surender Singh at Police Station Udyog Vihar.

4. The appellants filed a claim petition before the Tribunal seeking compensation on account of injuries suffered by them in the said accident. The driver and owner of the motor cycle and the Insurance Company contested the said claim petition.

5. The Tribunal awarded a sum of Rs.11,650/- as compensation to Priya Aggarwal-appellant in FAO-149-2008 and a sum of Rs.90,000/- as compensation to Amit Aggarwal-appellant in FAO-150-2008.

6. Dissatisfied with the said amount of compensation, the present appeals have been preferred.

Quantum of Compensation to Appellant-Priya Aggarwal

7. Learned counsel for the appellant contends that Priya Aggarwal was a student of C.A. Due to the accident, she had suffered 5% disability. However, the Tribunal has not awarded any compensation to her towards Disability, Pain and Suffering and Loss of Income.



7.1. It is further contended that the Tribunal has awarded a lump sum compensation of ₹11, 650/- to the injured-Priya Aggarwal on account of the medical bills proved by her. No compensation has been awarded regarding Pain and Sufferings etc., as such, the compensation needs to be enhanced.

8. The principles for assessment of damages in an injury case examined in various decisions, have been summed up by Hon'ble Apex Court in **Baby Sakshi Greola v. Manzoor Ahmad Simon and another, 2025 (1) RCR (Civil) 238**, as follows : -

“12. The assessment of damages in personal injury cases raises great difficulties. It is not easy to convert the physical and mental loss into monetary terms. There has to be a measure of calculated guesswork and conjecture. An assessment, as best as can, in the circumstances, should be made.

13. McGregor's Treatise on Damages, 14th Edition, Para 1157, referring to heads of damages in personal injury actions states:

“The person physically injured may recover both for his pecuniary losses and his non-pecuniary losses. Of these the pecuniary losses themselves comprise two separate items viz. the loss of earnings and other gains which the plaintiff would have made had he not been injured and the medical and other expenses to which he is put as a result of the injury, and the courts have sub-divided the non-pecuniary losses into three categories viz. pain and suffering, loss of amenities of life and loss of expectation of life.”

14. In Concord of India Insurance Co. Ltd. v. Nirmala Devi [Concord of India Insurance Co. Ltd. v. Nirmala Devi, (1979) 4 SCC 365 : 1979 SCC (Cri) 996 : 1980 ACJ 55] , this Court held : (SCC p. 366, para 2)

“2. ... the determination of the quantum must be liberal, not niggardly since the law values life and limb in a free country in generous scales.”

15. In R.D. Hattangadi v. Pest Control (India) (P) Ltd. [R.D. Hattangadi v. Pest Control (India) (P) Ltd., (1995) 1 SCC 551 : 1995 SCC (Cri) 250] ,



dealing with the different heads of compensation in injury cases this Court held thus : (SCC p. 556, para 9)

“9. Broadly speaking while fixing the amount of compensation payable to a victim of an accident, the damages have to be assessed separately as pecuniary damages and special damages. Pecuniary damages are those which the victim has actually incurred and which are capable of being calculated in terms of money; whereas non-pecuniary damages are those which are incapable of being assessed by arithmetical calculations. In order to appreciate two concepts pecuniary damages may include expenses incurred by the claimant : (i) medical attendance; (ii) loss of earning of profit up to the date of trial; (iii) other material loss. So far as non-pecuniary damages are concerned, they may include : (i) damages for mental and physical shock, pain and suffering, already suffered or likely to be suffered in the future; (ii) damages to compensate for the loss of amenities of life which may include a variety of matters i.e. on account of injury the claimant may not be able to walk, run or sit; (iii) damages for 17 loss of expectation of life i.e. on account of injury the normal longevity of the person concerned is shortened; (iv) inconvenience, hardship, discomfort, disappointment, frustration and mental stress in life.”

16. In Raj Kumar v. Ajay Kumar [Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343 : (2011) 1 SCC (Civ) 164 : (2011) 1 SCC (Cri) 1161] , this Court laid down the heads under which compensation is to be awarded for personal injuries : (SCC p. 348, para 6)

“6. The heads under which compensation is awarded in personal injury cases are the following:

Pecuniary damages (Special damages)

(i) Expenses relating to treatment, hospitalisation, medicines, transportation, nourishing food, and miscellaneous expenditure.

(ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:

(a) Loss of earning during the period of treatment;

(b) Loss of future earnings on account of permanent disability.

(iii) Future medical expenses. Non-pecuniary damages (General damages)



(iv) Damages for pain, suffering and trauma as a consequence of the injuries.

(v) Loss of amenities (and/or loss of prospects of marriage).

(vi) Loss of expectation of life (shortening of normal longevity).

In routine personal injury cases, compensation will be awarded only under heads (i), (ii)(a) and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant, that compensation will be granted under any of the heads (ii)(b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life.”

17. In K. Suresh v. New India Assurance Co. Ltd. [K. Suresh v. New India Assurance Co. Ltd., (2012) 12 SCC 274 : (2013) 2 SCC (Civ) 279 : (2013) 4 SCC (Cri) 638] , this Court held as follows : (SCC p. 276, para 2)

“2. ... There cannot be actual compensation for anguish of the heart or for mental tribulations. The quintessentiality lies in the pragmatic computation of the loss sustained which has to be in the realm of realistic approximation. Therefore, Section 168 of the Motor Vehicles Act, 1988 (for brevity “the Act”) stipulates that there should be grant of “just compensation”. Thus, it becomes a challenge for a court of law to determine “just compensation” which is neither a bonanza nor a windfall, and simultaneously, should not be a pittance.””

19. This Court, in the said case, thereafter, formulated various heads such as loss of earnings, expenses related to treatment, attendant charges, pain and suffering and loss of amenities, loss of marriage prospects, future medical treatment. Ultimately, this Court enhanced the compensation awarded by the High Court from Rs. 25,78,501/- to Rs.62,27,000/-.”

9. Injured-Priya Aggarwal, when appeared as PW-5, stated that due to the accident, she was shifted to Saraswati Hospital, where she remained admitted for 3-4 hours. Thereafter, she was shifted to Pushpanjali Hospital, Gurugram, where she remained admitted till 27.03.2005. She



employed a maid servant on a salary of ₹1500/- per month and a total amount of ₹40,000/- has been spent on her treatment. Regarding the admission in Saraswati Hospital, PW-3-Anuj Sharma, Accountant, Saraswati Hospital, has proved the bills/Ex.P4 and Ex.P5 regarding the injured-appellants/Amit Aggarwal and Priya Aggarwal. Appellant-Priya Aggarwal/PW-5 has also stated that due to the injuries suffered in the accident, she could not do household chores for three months and she had to attend 20 sessions of Physiotherapy. At the time of accident, she was preparing for Chartered Accountant examination. However, due to the accident, she could not write more than one page in one go on account of the injury on her right thumb. PW-9/Dr. Ravi Sahota, Orthopaedic Surgeon, Pushpanjali Hospital, has categorically stated that appellant-Priya Aggarwal was admitted in Pushpanjali Hospital, Gurugram on 26.03.2005 with *fracture dislocation of right thumb and fracture of proximal ulna left side* (long bone of left forearm) for which, close reduction and plaster were applied on both sides. The patient was discharged on 27.03.2005. Discharge summary is proved as Ex.P-10.

10. Though, no Disability Certificate has been proved on record, however, there is medical evidence which clearly indicates that appellant-Priya Aggarwal had suffered fracture of right thumb and fracture of left ulna, for which, she was treated and remained hospitalized for two days. She is entitled for compensation towards Pain and Sufferings, Transportation Charges, Attendant Charges, Special Diet and Medical Expenses.



11. Keeping in view the settled principles of calculation of compensation in an injury case and in view of the facts and evidence on record, the compensation awarded to appellant-Priya Aggarwal is reworked as under:-

S.No.	Compensation Heads	Amount Awarded
1.	Medical expenses (as per the medical bills)	Rs.11,653/-
2.	Pain and Sufferings	Rs.1,50,000/-
3.	Attendant Charges (03 months)	Rs.1,500 X 3 = Rs.4,500/-
4.	Transportation Charges	Rs.5,000/-
5.	Special Diet (2 days of hospitalization)	Rs.5,000/-
	Total	Rs.1,76,153/-

Quantum of Compensation to Appellant-Amit Aggarwal

12. Learned counsel for the appellant contends that the Tribunal has awarded a lump sum amount of ₹90,000/- to injured/appellant-Amit Aggarwal on account of the injuries suffered by him in the accident. In view of the settled principles for determination of compensation in an injury case and in view of the facts and evidence on record, the compensation needs to be enhanced.

13. Amit Aggarwal/PW-4 has stated that after receiving the First Aid in Saraswati Hospital, he was shifted to Pushpanjali Hospital, Gurugram, where he remained admitted with effect from 25.03.2005 to 01.04.2005. PW-7/Dr. Arun Saroha, Neurosurgeon, Pushpanjali Hospital, Gurugram, has stated that appellant-Amit Aggarwal was admitted in the hospital with a case of head injury. The investigation revealed that he had sustained *severe head injury with extra-dural hemorrhage with 7th nerve*



palsy and left-sided weakness. He was operated for extra-dural hemorrhage in an emergency as it was a life-threatening head injury. The surgery craniotomy and evacuation of hematoma was done. The patient remained admitted in the hospital from 26.03.2005 till 01.04.2005. The discharge summary is proved as Ex.P10.

13.1. The testimony of the said witness proves the nature and severity of injury and it is also proved that the injured had to undergo a head surgery for removal of extra-dural hemorrhage. The expenses incurred on the investigations and medical treatment have been proved on record by the other witnesses.

14. In view of the evidence on record, the compensation awarded to the appellant-Amit Aggarwal is reworked as under:-

S.No.	Compensation Heads	Amount Awarded
1.	Medical expenses (as per the medical bills)	Rs.90,000/-
2.	Pain and Sufferings	Rs.3,00,000/-
3.	Loss of income during treatment (Rs.18,000/- per month, 06 days of hospitalization)	Rs.4,000/-
4.	Loss of income (on account of remaining absent from office for 03 months)	Rs.18000 X 3 =Rs.54,000/-
5.	Attendant Charges (03 months)	Rs.1,500 X 3 = Rs.4,500/-
6.	Transportation Charges	Rs.5,000/-
7.	Special Diet (6 days of hospitalization)	Rs.10,000/-
	Total	Rs.4,67,500/-

15. The amount in excess of the amount awarded by the Tribunal shall attract interest @ 7.5% per annum from the date of filing of the claim



petition till the realization of the entire amount. However, the claimants-appellants shall not be entitled to any interest for the period of delay in filing the main appeal.

16. In view of the decision by the Hon'ble Apex Court in *Parminder Singh vs. Honey Goyal & Ors., 2025 INSC 361*, after calculation of the enhanced amount, the same shall be transferred by respondent No.3-Insurance Company in the Bank Accounts of the claimants-appellants within a period of 06 weeks from today. The particulars of the bank account along with the requisite documents in support thereof shall be furnished by the claimants-appellants to respondent No.3-Insurance Company within a period of two weeks from today and needful shall be done by respondent No.3-Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

17. In view of the above discussion, both the present appeals are **partly allowed** and the Award passed by the Tribunal is modified accordingly.

18. Pending application(s), if any, along with the IOINs, stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

12th May 2026
simran

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No