



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

118(v)

**FAO-5243-2023 (O&M)
Date of decision:19.01.2026**

Harpreet Kaur

...Appellant

Versus

Harpal Singh and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Janak Singh Bhinder, Advocate
for appellant.

Mr. Lalit Garg, Advocate
for respondent-Insurance Company.

PARMOD GOYAL, J. (ORAL)**CM-17844-CII-2023 and CM-17847-CII-2023**

Applications under Section 151 of Code of Civil Procedure, 1908 and Section 5 of the Limitation Act, 1963, filed for condonation of delay of 32 days in refiling the appeal and condonation of delay of 235 days in filing the appeal, respectively, are allowed for the reasons stated in the applications.

Delay is condoned.

Applications are disposed of.

MAIN CASE

Present appeal has been preferred by injured-claimant, who had suffered injuries in motor vehicular accident dated 25.12.2020 on account of rash and negligent driving by respondent No.1 while driving bus bearing registration No.PB-13-AL-9907 against impugned award dated 08.08.2022 passed by Motor Accident Claims Tribunal, Barnala (hereinafter referred to as



‘Tribunal’) vide which following compensation was granted:-

Sr. No.	Heads	Amount
1.	Medical expenses	Rs.4,51,800/-
2.	Compensation for loss of income (during treatment)	Rs.10,000/-
3.	Compensation for conveyance, attendant charges & special diet	Rs.43,000/-
4.	Compensation for mental and physical shock, pain and suffering and loss of amenities	Rs.25,000/-
	Total	Rs.5,29,800/-

2. Learned counsel for appellant has fairly submitted that appropriate compensation for medical expenses, conveyance, attendant charges and special diet has already been awarded by learned Tribunal. Challenge has been made to grant of compensation of Rs.10,000/- under the head ‘compensation for loss of income’ as well as grant of Rs.25,000/- under the heads ‘compensation for mental, physical shock, pain and sufferings and ‘loss of amenities’.

3. In present case, admittedly, no permanent injuries have been suffered by the appellant. Appellant a home-maker has claimed that due to injuries, she had suffered great loss. That she was initially admitted to Civil Hospital, Dhuri on 25.12.2020 on account of injuries suffered in accident and thereafter was shifted to Max Hospital, Bathinda on 26.12.2020, where she was operated upon and was discharged on 31.12.2020. She had claimed that she had spent Rs.7-8 lakhs on her treatment. Appellant duly proved expenses



of Rs.4,51,800/- by placing relevant hospital/medical bills which were duly accepted by learned Tribunal and compensation was granted under this head accordingly. Evidence of PW2 Dr. Jasbir Singh had clearly stated that on account of injuries suffered by appellant, she had undergone surgery of face and rods were inserted in her thighs which got fractured in the accident. However, learned Tribunal has granted Rs.10,000/- only on account of loss of earning during the treatment. In view of evidence of PW2, it is clearly made out that appellant had suffered fracture of thigh bone and therefore must have taken minimum three months to recover from said fracture and therefore, learned Tribunal ought to have calculated loss of income at least equivalent to three months. Admittedly, the minimum wages prevalent at the time of accident were Rs.9,172/-, therefore, taking said amount as income of injured, learned Tribunal ought to have granted loss of income at least for three months being period of treatment i.e. Rs.27,000/- and same is accordingly granted.

4. I also find that amount of Rs.25,000/- for pain and sufferings and loss of amenities is totally inadequate in view of nature of injuries, treatment, period of hospitalization and expenses incurred by appellant towards her treatment. Appellant had suffered fracture on thigh, injury over her face for which she was operated upon, rods were inserted and therefore, even though there is no permanent disability and after treatment, appellant is able to work as she used to do earlier, even then the amount of Rs.25,000/- for pain and sufferings is highly inadequate and is accordingly enhanced to Rs.1,00,000/-.

Appellant is accordingly entitled to enhanced compensation of Rs.92,000/-



over and above compensation awarded by learned Tribunal. Apportionment and liability of respondent to pay compensation is as per award. Appellant shall also be entitled to interest @ 7.5% per annum from the date of filing claim petition till realization on enhanced compensation.

- 5. Appeal is disposed of.
- 6. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

19.01.2026
Sunil Chander

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