

2026:PHHC:085807



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

107(1)

**FAO-2739-2021 (O&M)
Date of decision:26.05.2026**

ALKA BANSAL

...APPELLANT

VERSUS

LAKHWINDER SINGH AND OTHERS

...RESPONDENTS

107(2)

**FAO-3382-2021 (O&M)
Date of decision:26.05.2026**

HARISHIKESH BANSAL

...APPELLANT

VERSUS

LAKHWINDER SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ajay Singh Rawat, Advocate
for appellant in both the appeals.

PARMOD GOYAL, J. (ORAL)

Present appeals have been filed by appellants-injured-claimants Alka Bansal and Harshikesh Bansal being aggrieved by impugned award dated 05.02.2021 passed by learned Motor Accident Claims Tribunal, Kaithal (hereinafter referred to as '**Tribunal**') whereby appellants-claimants were found entitled to total compensation of Rs.2,29,298/- and Rs.2,08,505/-, respectively on account of injuries suffered by them in motor vehicular, accident dated 24.11.2017, caused due to the rash and negligent driving of respondent No.1 while driving vehicle bearing registration No.HR56A-6415 (hereinafter referred to as '**offending vehicle**').

2. Being aggrieved by the impugned award appellants-claimants are seeking enhancement of compensation as the same is not in accordance with their entitlement.

3. Since, in the present appeal the only issue raised by appellants-claimants is as regards to the quantum of compensation awarded by learned Tribunal and there is no appeal or cross objections preferred by respondents to challenge the manner of accident, the detailed facts as regards to manner of accident are not being noticed herein for the sake of brevity.

FAO-2739-2021

4. Learned Tribunal had awarded following compensation to appellant-claimant Alka Bansal:-

Medical expenses	1,14,298/-
Pain and sufferings	1,00,000/-
Loss of income (four months)	40,000/- (Rs.10,000 x 4)
Special diet and attendant charges	20,000/-
Transportation charges	5,000/-
Total	2,79,298/-

5. Perusal of award goes to show that appellant-claimant Alka Bansal had suffered fracture on wrist, collar bone and backbone for which she was operated upon and had spent considerable amount on her medical treatment vide medical bills Ex.P66 to Ex.P73, Ex.P75 to Ex.P79, Ex.P79A, Ex.P80 to Ex.P102, total amounting to Rs.1,14,298/-. Fortunately, appellant-claimant-Alka Bansal, had not suffered any permanent injury on account of accident.

6. Learned counsel for appellant-claimant-Alka Bansal is mainly aggrieved by compensation under the head loss of earning capacity during the period of treatment. Appellant-claimant had claimed that she was earning Rs.20,000/- per month by giving tuition or doing teaching job. However,

except for self-serving oral assertions, no corroborative material either in the shape of documentary evidence or in any other form has been placed on record by appellant-claimant to prove the pleaded income and vocation. However, in absence of any proof regarding the pleaded income and vocation of appellant-claimant, learned Tribunal had considered the appellant-claimant as a housewife and had taken the income of appellant-claimant as per the minimum wages payable to skilled worker prevalent at the time of accident i.e Rs.10,000/- per month.

7. Therefore, keeping in view the nature of injuries suffered by appellant-claimant and the period taken to recover from said injuries the learned Tribunal had rightly awarded compensation of Rs.40,000/- (Rs.10,000/- x 4) towards loss of income suffered by appellant-claimant on account of accident which cannot be held to be erroneous or perverse.

8. Keeping in view the nature of injuries as well as treatment undergone by appellant-claimant and the period of hospitalization, compensation of Rs.1,00,000/- under the head pain and sufferings awarded to appellant-claimant is just and sufficient. Similarly, in absence of any documentary proof regarding expenses incurred upon transportation, special diet and attendant charges, learned Tribunal has awarded compensation under these heads. Compensation amounting to Rs.20,000/- towards special diet and attendant charges and Rs.5,000/- towards transportation charges awarded by learned Tribunal while considering facts and circumstances of the case cannot be held to be unjust or insufficient.

FAO-3382-2021 (O&M)

9. Learned Tribunal had awarded following compensation to

appellant-claimant Harishikesh Bansal:-

Medical expenses	35,505/-
Pain and sufferings	1,00,000/-
Loss of income (four months)	1,28,000/- (Rs.32,000/- x 4)
Special diet and attendant charges	20,000/-
Transportation charges	5,000/-
Total	2,88,505/-

10. Perusal of award goes to show that appellant-claimant Harishekesk had suffered fractures on ribs, chest, pubicarand on left side and pelvis fracture on left side as proved by PW-1 To PW-3 and the treatment for the injuries would have demanded considerable amount of money as also proved vide medical bills Ex.P109 to Ex.P111, Ex.P113 to Ex.P124 & Ex.P127, total amounting to Rs.35,505/-.

11. Learned counsel for appellant-claimant-Harishikesh Bansal is challenging the compensation awarded under the head loss of earning capacity during the period of treatment and the inadequate compensation awarded under the head pain and sufferings, attendant charges, special diet and medical treatment. Appellant-claimant had claimed that he was doing job of Sales Manager and earning Rs.55,000/- per month. The gross income amounting to Rs.3,85,000/- (Rs.32,000X12) of appellant-claimant was placed on record vide Ex.P125 i.e income tax returns pertaining to the year 2018-19 though, same was for the period after the date of accident, even then the learned Tribunal had accepted same and rightly awarded compensation of Rs.1,28,000/- (32,000X4) under the head loss of income during the period of treatment. No material except for self-serving oral

assertions that injured-claimant was earning Rs.55,000/- is available. Oral assertions are not corroborated by any evidence. Rather income tax returns show it otherwise and shows gross income to be Rs.3,85,000/- i.e. Rs.32,000/- per month.

12. Keeping in view the nature of injuries as well as treatment undergone by appellant-claimant and the period of hospitalization, compensation of Rs.1,00,000/- under the head pain and sufferings awarded to appellant-claimant is just and sufficient. Similarly, in absence of any documentary proof regarding expenses incurred upon transportation, special diet and attendant charges, learned Tribunal has awarded compensation under these heads. Compensation amounting to Rs.20,000/- towards special diet and attendant charges and Rs.5,000/- towards transportation charges awarded by learned Tribunal while considering facts and circumstances of the case cannot be held to be unjust or insufficient.

13. In view of above discussion, there is no scope of further enhancement of the compensation in present appeals. The compensation so awarded by learned Tribunal is as per entitlement of appellants-claimants and same is, therefore, upheld.

14. Appeals are accordingly dismissed.

15. Pending application(s), if any, stand disposed of. Photocopy of this order be placed on the file of connected case.

(PARMOD GOYAL)
JUDGE

26.05.2026

Sunil Chander

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>