



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

FAO-597-2009 (O&M)
Date of Decision: May 05, 2026

Dharambir

...Appellant

VERSUS

Dr.Mrs.Narendra Kumari Arora and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Jyotsna Saini, Advocate for
Mr.Ashish Yadav, Advocate
for the appellant.

Respondents No.1 and 2 proceeded against ex-parte.

ARCHANA PURI, J.

The present appeal has been filed by the appellant-claimant, thereby, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, on account of injuries sustained by him, in a motor vehicular accident.

Suffice to consider that the accident had taken place on 19.09.2007. On appraisal of the evidence, brought on record, it was held by learned Tribunal that the accident had taken place due to rash and negligent driving of car bearing registration No.HR-26L-3247, being driven by respondent No.1- Dr.Narendra Kumari and as a result of this accident, the appellant-claimant had sustained multiple grievous injuries on his person.



Learned Tribunal had awarded compensation, as herein given:-

1.	<i>Pain and suffering and Loss of earnings</i>	10,000/-
2.	<i>Medical expenses</i>	63,300/-
3.	<i>Disability</i>	5,000/-
	<i>Total</i>	78,300/-

Being aggrieved, to question the adequacy of the compensation, the appellant-claimant has filed the appeal in hand.

Be it noted that none of the respondents, upon whom, the liability has been fastened, has filed any appeal.

At the very outset, it is submitted by learned counsel for the appellant-claimant that the ‘work on’ of the compensation, is on lower side. Even though, the medical evidence, as such, has been brought on record, but however learned Tribunal had erroneously scaled down the amount of bill of the expenditure, with regard to the hospitalization of the appellant and treatment undergone by him and other bills relating to the purchase of medicines, have also been not appropriately considered.

Furthermore, it is submitted that various other counts, required to be considered, while making the assessment of the compensation, have been given amiss.

The ‘work on’ of the compensation, as detailed aforesaid, do call for re-determination.

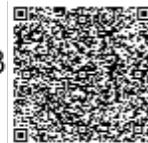
Time and again, the Courts have held that the '**just**' compensation is adequate compensation and the Award must be just that-'**no less and no more**'. The plea of victim suffering from a cruel twist of fate, when asking for some more, is not extravagant, but it is for seeking



appropriate recompense, to negotiate with the unforeseeable and the fortuitous twists, in his/her impaired life. The Tribunals/Courts are statutorily bound with the responsibility of fixing '**just**' compensation. However, determination of '**just**' compensation, if cannot be equated to bonanza, but at the same time, it ought not to be a niggardly amount. The concept of '**just compensation**' obviously suggest an application of fair and equitable principles and reasonable approach, on the part of Tribunals/Courts. However, the measures have to be applied proportionately.

When bills of expenditure on the treatment of the injured, as such, are proved on record, it is incumbent upon the Tribunal to consider the same and to see, as to whether, it stands connected with the injuries caused and the treatment undergone by the appellant, for the same. Also, it has to be kept in mind that many a times, there is tendency to get inflated bills to secure more compensation. Precisely for this reason, the Courts/Tribunals are expected to scrutinize the recitals of the bills with more care and caution.

Adverting to the case in hand, it is pertinent to mention that so far as, sustaining of injuries in the accident in question and the expenditure incurred on the treatment undergone by the appellant, is concerned, the same stands amply established from the evidence brought on record. The appellant-claimant himself has stepped into witness box as PW-4 and he has categorically stated about factum of accident and manner of taking place of the same as well as sustaining of injuries, in the accident in question. He had further stated about having remained admitted in hospital from 19.09.2007 to 07.11.2007 and that he has spent approximately Rs.2 lakh on his treatment. He further deposed that interlocking nail has been fixed in his

**FAO-597-2009**

left leg between knee and ankle, which is also to be removed by undergoing operation, after 15 months of the accident.

Further, PW-5 Dr.Rakesh Singh, Orthopedic Surgeon, SAI Hospital and Trauma Centre, Badshahpur has also been examined, who deposed about admission of the claimant in the hospital as a road side accident case, on 19.09.2007. He proved the photocopy of the MLR, which is Ex.P3. Further also, he deposed that patient remained admitted in the hospital from 19.09.2007 to 05.10.2007. The patient was firstly operated on 19.09.2007 for vascular injuries and later operated on 01.10.2007 and tibia interlocking nail was inserted in his left leg. He was discharged on 05.10.2007. This witness also proved the discharge summary Ex.P4 and deposed that the hospital charged Rs.90,680/- from the patient and proved the bill Ex.P5.

Further also, PW-6 Anil Kumar, Record Keeper, Pasricha Pharmacy, has proved the bills, copies whereof are Ex.P6 to Ex.P102. PW-7 M.E.Mathews, Manager, SLV Securities Pvt. Ltd. deposed about appellant-Dharambir to be employed in their firm from 11.09.2007 to 19.09.2007.

Considering the aforesaid evidence, learned Tribunal had very well appraised the period of the hospitalization and the medical bill Ex.P5. Even though, it is the pleaded case of the appellant-claimant that he remained admitted from 19.09.2007 to 07.11.2007, but however, as observed aforesaid, PW-5 Dr.Rakesh Singh, Orthopedic Surgeon of SAI Hospital, where the patient remained admitted, has categorically stated about the admission of appellant-claimant from 19.09.2007 to 05.10.2007. Even, in the discharge summary Ex.P4, there is mention made of date of admission as 19.09.2007. The date of discharge, therein, has been initially mentioned as

**FAO-597-2009**

05.10.2007 and then, a correction was made. There is overwriting made on the date of discharge, which now reads as '5/11/007'. The correction so made in the date, finds mention in the column regarding date of discharge. Even, in the sixth column, there is correction made from '7/10/007' to '8/11/007'. Though, it is submitted that this correction was genuinely done, as it was wrongly earlier written, but however, the submission aforesaid, is not acceptable, in view of testimony of PW-5 Dr.Rakesh Singh, who has categorically stated about hospitalization of the appellant-claimant from 19.09.2007 to 05.10.2007.

Considering the same, even the close perusal of Ex.P5, which is the hospital bill for this period, it is evident that an amount of Rs.90,680/-, has been reflected for providing bed and treatment. Various columns of Ex.P5 have been meticulously considered by the Tribunal and considering the amounts mentioned, the same have been correctly appraised by learned Tribunal. Apart from it, there are other bills proved, which are Ex.P6 to Ex.P102. The total of these bills was Rs.1,22,786/-. This also reflects about erroneous amounts having been worked upon and in the light of the same, learned Tribunal had not considered full amount of Ex.P5 and scaled down the same to Rs.30,000/-. Besides the same, for the implants, an amount of Rs.8300/- has been given.

So far as, other bills for the purchase of medicines are concerned, it has been rightly observed by learned Tribunal that these bills are of month of November, when the appellant-claimant was not under treatment. Considering the bills, which co-relate to the period of hospitalization and treatment, the amount of Rs.25,000/- has been correctly

**FAO-597-2009****-6-**

worked upon by learned Tribunal. As such, considering the same, learned Tribunal had rightly awarded an amount of Rs.63,300/-.

So far as, detail of the injuries is concerned, from the discharge record, it is evident that the appellant-claimant was firstly operated on 19.09.2007. PW-5 Dr.Rakesh Singh, also stated that the first day operation was for vascular injury and later on, patient was again operated on 01.10.2007 and tibia interlocking nail was inserted in the left leg of the patient. Also, it is quite obvious that after some period of time, the appellant-claimant would have required another operation for removal of interlocking nail. Considering the bills, the amounts, which, have been correctly scaled down, an amount of Rs.63,300/- has been appropriately awarded by learned Tribunal.

So far as, the employment of the appellant-claimant is concerned, PW-7 M.E.Mathews, Manager of SLV Securities Pvt. Ltd. has been examined, who stated about the employment of Dharambir, in their firm from 11.09.2007 to 19.09.2007 and an amount of Rs.1593/- was paid to him. Even, the disability certificate Ex.P2, reveals about the disability suffered, to have been assessed to the extent of 5% and that was of temporary nature, which as such, is not disputed.

In any case, the compensation awarded, with regard to 'pain and suffering' and 'loss of earning' taken together is to the extent of Rs.10,000/-, medical expenses are worked upon as Rs.63,300/- and on account of 'disability', an amount of Rs.5,000/- was awarded. In total, the amount awarded was Rs.78,300/-.

However, various other counts, which ought to be taken into



consideration, while making assessment of the compensation, on account of injuries sustained by the appellant-claimant, have been given amiss. It is quite obvious that during the period of hospitalization, on account of injuries, which led to two operations immediately, at the time of hospitalization and subsequent operation to be undergone for the removal of the interlocking nail, the appellant-claimant, must have passed through traumatic state of mind and the amount awarded under the head of 'pain and suffering' to the extent of Rs.10,000/- do call for enhancement.

Besides the same, in view of the period of hospitalization, which has also been considered as one month, the appellant-claimant must have been looked after by one attendant. Even if the family member had attended to him, there is bound to be diversion of time and engagement of the family member from the gainful employment, which could have generated some income and diverting the same to give needful help to the appellant.

Also, some amount must have been spent for intake of highly rich diet, for the healing process. Even, on the count of 'transportation' some amount, definitely, must have been spent by the appellant-claimant or his family members, while making 'to and fro' trips to the hospital.

Furthermore, considering the kind of injury sustained, which calls for removal of the interlocking nailing done, at first instance, future medical expenses, ought to be worked upon.

Considering all these aspects and working upon in close proximity to the reality, this Court deems it appropriate to enhancement the amount of compensation to the extent of Rs.50,000/-, over and above the compensation of Rs.78,300/- awarded by learned Tribunal.



On the enhanced amount of compensation i.e. Rs.50,000/-, the appellant-claimant shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation.

Accordingly, the impugned Award dated 17.09.2008 stands modified, to the extent, as indicated aforesaid.

With the above observations, the present appeal stands allowed.

May 05, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No