



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

FAO-4783-2010(O&M)

Date of Decision: 29.04.2026

Rohtash Singh

....Appellant

V/s

Sat Pal and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Manoj Sharma, Advocate, for the appellant.

Mr. D.K. Dogra, Advocate, for
respondent No.5-Insurance Co.

VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been preferred by the appellant-claimant (Rohtash Singh) seeking enhancement of compensation awarded vide Award dated 10.11.2009 passed by the Motor Accident Claims Tribunal, Gurgaon (for short 'MACT').

2. The facts, as emanating from the paper book, are that the appellant instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'MV Act') seeking compensation on account of injuries and permanent disability suffered by him in a motor vehicular accident which took place on 07.05.2007.

2.1 The case of the appellant (Rohtash Singh) was that he was a student of B.Com and was studying in Kamla Nehru College, Jautoli. On 7.05.2007 he, after appearing in his B.Com examination, went to the tempo stand, Pataudi and took a three wheeler to reach home. When he reached near Baba Sayed ki Mazar, a tractor bearing registration no. HR-14-C-5285 (hereinafter referred to as the offending vehicle) was being driven by one Satpal in a rash and negligent manner. The said tractor hit the three wheeler

causing an accident. Due to the accident, the appellant sustained multiple

grievous injuries all over his body. He was taken to Kalyani Hospital, Gurgaon by his father Rattan Singh, from where he was referred to Safdarjung Hospital, New Delhi where he remained admitted and was treated for some time.

3. Respondents No.1 to 4 (driver and joint owner of the offending vehicle) filed a joint written statement. The factum of the accident was denied, though the ownership of the offending vehicle was admitted. It was averred that a false FIR was got registered against respondent No.1.

3.1 Respondent No.5 (Insurance Company.) filed its separate written statement raising usual defences. On merits, it is denied that the appellant had sustained any injuries.

4. From the pleadings of the parties, following issues were framed:

“1. Whether the accident took place due to the rash and negligent driving of vehicle no. HR-14-C-5285 by respondent no.1, causing injuries to the petitioner? OPP

2. Whether the petitioner is entitled to any amount of compensation and if so to what extent and from whom? OPP

3. Whether respondent no.1 was not holding a valid and effective driving licence at the time of accident? OPR

4. Relief.”

5. Parties led their respective evidence.

6. On issue No.1, it was held that the accident had been caused on account of the rash and negligent driving of the offending vehicle by respondent No.1.

6.1 On issue No.2, i.e. the quantum of compensation, the MACT awarded the following compensation:-

Sr. No.	Heads	Awarded
1.	Compensation on account of actual medical bills/expenditure	Rs.50,000/-
2.	Compensation on account of Misc. heads such a special diet, nourishing, food, transportation etc.	Rs.5000/-(diet) Rs.5000/- (transportation) i.e Rs.10,000/-
3.	Compensation on account of permanent disability.	Rs.25,000/-
4.	Compensation on account of damages for pain, suffering and trauma as a consequences of injuries	Rs.15,000/-
	Total	Rs.1,00,000/-

7. Aggrieved by the grant of inadequate compensation, the present appeal was preferred.

8. I have heard learned counsel for the parties.

9. Learned counsel for the appellant (claimant) submits that the compensation is grossly inadequate, and is on the lower side. He contends that the appellant's permanent disability was assessed to the tune of 11% and thus, he was unable to do his work properly. He submits that the compensation awarded ,therefore, deserves to be suitably enhanced.

10. *Per contra*, learned counsel for the respondents, submits that no permanent disability was suffered by the appellant . He submits that under the circumstances, no enhancement in compensation deserves to be granted.

11. I have considered the submissions made by learned counsel for the parties and have also perused the record.

12. Coming to aspect of permanent disability, this court is of the view that beyond doubt, permanent disability to the tune 11 % on account of traumatic fracture right union ,mild restriction of right knee joint movement and shortening of leg by one inch had been accurately assesed on record, but, no evidence was led to prove that due to the injuries sustained by the appellant in the accident he had suffered any functional disability and was

facing hindrance in performing his job. Further, the doctor PW7 Subhash Singh stated in the cross examination that the disability can reduce to 2% with passage of time . However, this court is of the opinion that there is some scope of enhancement in the quantum of compensation awarded under certain heads.

13. In view of the above, the compensation as assessed by this Court and that by the MACT is tabulated as under:-

Sr. No.	Heads	Awarded	Enhancement
1.	Compensation on account of actual medical bills/expenditure	Rs.50,000/-	Rs. 50,000/- (No change)
2.	Compensation on account of Misc. heads such a special diet, nourishing, food, transportation etc.	Rs.5000/- (diet) Rs.5000/- (transportation) i.e Rs.10,000/-	Rs. 25,000/-
3.	Compensation on account of permanent disability.	Rs.25,000/-	Rs. 75,000/-
4.	Compensation on account of damages for pain, suffering and trauma as a consequences of injuries	Rs.15,000/-	Rs. 50,000/-
	Total	Rs.1,00,000/-	Rs. 2,00,000/-

14. The total compensation as enhanced by this Court, therefore, comes to Rs.2,00,000/-. After deducting a sum of Rs.1,00,000/-, as assessed by the MACT, the balance compensation comes to Rs.1,00,000/-. This amount would be payable in addition to the amount assessed by the learned MACT along with interest @ 7 per cent annually. The liability to pay the same would be as per the award.

15. The present appeal is accordingly disposed of.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

April 29, 2026
vcgarg/t

Whether speaking/reasoned: Yes/No