



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

(107)

FAO No. 5145 of 2019(O&M)**Reserved on: 12.03.2026****Pronounced on: 18.03.2026****Uploaded on: 19.03.2026**

Bulli Ram(Since deceased) Through LRs

...Appellant

Versus

Jasbir Singh @ Happy and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Rahul Verma, Advocate,
for the Appellant.

Mr. Anshul Sharma, Advocate,
for the Respondent No.1 & 2.

Mr. Aseem Aggarwal, Advocate,
for the Respondent No.3/Insurance Company.

VIRINDER AGGARWAL, J.

1. The present appeal has been preferred by the appellant-claimant injured under Section 173 of the Motor Vehicles Act, 1988 challenging the award dated 20.10.2018 passed by the learned Motor Accident Claims Tribunal, Kaithal for the enhancement of compensation in injury case to the claimant/appellant.

BACKGROUND FACTS

2. The brief facts giving rise to the present appeal are that on 30.09.2017 at about 8:00 AM, the appellant Bulli Ram along with Raj Kumar was travelling on a moped bearing registration No. HR-09A-4305 from village Bhagal towards Grain Market, Cheeka in connection with their labour work. The said moped was being driven by Raj Kumar. When they reached near Hansi Bhutana Canal on Bhagal-Cheeka Road, a tractor trolley bearing registration No. HR-

41D-8858, being driven by respondent No.1 Jasbir Singh @ Happy, came and



struck against the moped. It was alleged that the tractor was being driven in a rash and negligent manner and without observing the necessary precautions required while driving on a public road. Due to the forceful impact of the collision, both occupants of the moped fell on the road and sustained injuries. Raj Kumar suffered fatal injuries and died at the spot, whereas the present appellant sustained multiple injuries and was taken for medical treatment. In respect of the accident, FIR No.215 dated 30.09.2017 under Sections 279, 304-A, 337 and 427 IPC was registered at Police Station Cheeka. The appellant thereafter filed a claim petition under Section 166 of the Motor Vehicles Act before the Motor Accident Claims Tribunal, Kaithal claiming compensation of Rs.10,00,000/- on account of the injuries suffered by him in the accident.

3. Upon appreciating the evidence brought on record, the learned Tribunal returned a categorical finding that the accident in question had occurred due to the rash and negligent driving of the tractor by respondent No.1. Consequently, Issue No.1 relating to negligence was decided in favour of the claimant. While assessing the compensation payable to the appellant, the learned Tribunal relied upon the medical bills and treatment documents placed on record and awarded compensation under the various heads such as Rs.34,000 for Medical expenses, Rs.5,000 for Transportation and Rs.10,000 for Pain and suffering. Thereby total compensation of Rs.49,000 was awarded. The learned Tribunal further held that the offending vehicle was insured with respondent No.3- Insurance Company and accordingly directed the insurer to satisfy the award.

CONTENTIONS

4. Learned counsel appearing for the appellant contends that the compensation awarded by the learned Tribunal is wholly inadequate and is not commensurate with the nature of injuries suffered by the appellant. It is



submitted that the appellant had suffered fracture and had to remain under treatment for a considerable period of time. Learned counsel further submits that the learned Tribunal has failed to award compensation under several legitimate heads including loss of income during treatment, special diet, attendant charges and loss of amenities of life. It is argued that the assessment of compensation in injury cases cannot be confined merely to the medical bills produced on record, as an injured person is bound to incur various incidental expenses during the course of treatment. On these premises, it is prayed that the impugned award be suitably modified and the compensation enhanced.

5. Per contra, learned counsel appearing on behalf of the Insurance Company has supported the award passed by the learned Tribunal. It is contended that the claimant has not produced any documentary evidence regarding his income or permanent disability and therefore no further compensation is warranted. It is further submitted that the learned Tribunal has already awarded the actual medical expenses proved on record and therefore the award does not call for interference by this Court.

OBSERVATIONS AND FINDINGS

6. I have heard learned counsel for the parties and perused the record with their able assistance. The finding recorded by the learned Tribunal regarding the negligence of respondent No.1 has not been seriously disputed before this Court. The said finding is based upon the material available on record including the FIR and the testimony of the claimant and therefore calls for no interference. The controversy in the present appeal thus narrows down to the determination of the question as to whether the compensation awarded to the claimant is just and reasonable.



7. In the injury cases, the amount of compensation has to be evaluated in accordance with the principles recognised in *Raj Kumar v. Ajay Kumar, 2011 (1) SCC 343*, wherein the Hon'ble Supreme Court has held that compensation in injury cases must take into account not only the medical expenses but also the other losses suffered by the injured claimant. The apex court has classified the heads of compensation separately for pecuniary and non-pecuniary damages, including medical expenses, loss of income during treatment, future loss of earning capacity, attendant charges, special diet, transportation, pain and suffering and loss of amenities. The object of awarding compensation under the Motor Vehicles Act is to place the injured person, as far as money can do, in the same position in which he would have been had the accident not occurred. The approach of the Courts while awarding compensation should be pragmatic and liberal so as to ensure that the injured victim receives just recompense. The quantum in this case, therefore, warrants re-examination by considering the nature of injuries, duration of hospitalisation, and other attending circumstances as reflected in the record.

8. In the present case, the learned Tribunal has awarded compensation primarily on the basis of the medical bills (Ex.P-5 to Ex.P-9) placed on record. However, it cannot be overlooked that an injured person undergoing treatment would necessarily incur expenses on special diet and attendant charges. Besides this, the injured person is also bound to suffer physical discomfort during the period of recovery. It is further evident from the record that the appellant suffered head injury, left ear and injury at right shoulder. He remained hospitalized for about five days as per discharge summary (Ex.P9) and must have taken some time thereafter to fully recuperate, during which period he would not have been in a position to earn his livelihood even as a manual



labourer. In such circumstances, some amount of income must have been lost during the period of treatment and recovery. Therefore, in the absence of specific evidence regarding income or the exact duration during which the appellant remained unable to work, it would be appropriate to award a reasonable lump-sum amount under the head of loss of income. The learned Tribunal, however, has not granted any compensation under these heads. At the same time, it must also be noticed that the appellant has not produced any evidence regarding permanent disability or loss of future earning capacity. In these circumstances, this Court is of the considered view that the compensation awarded by the learned Tribunal requires a modest and reasonable enhancement. Accordingly, the compensation payable to the claimant deserves to be reassessed as under:

Particulars	Awrdded by Tribunal	Reassessed Compensation
Medical expenses	Rs.34,000	Rs.34,000
Transportation	Rs.5,000	Rs.5,000
Pain and suffering	Rs.10,000	Rs.10,000
Special diet	x	Rs.5,000
Attendant charges	x	Rs.5,000
Loss of income during treatment (lump sum)	x	Rs.10,000
Total	Rs.49,000	Rs.69,000

9. Consequently, the claimant shall be entitled to total enhanced compensation of **Rs.69,000/-** instead of Rs.49,000/- awarded by the learned Tribunal. The enhanced amount shall carry interest at the rate of 7% per annum from the date of filing of the claim petition till realization, payable by respondent No.3-the Insurance Company.



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11. In view of the foregoing discussion, the present appeal is **partly allowed**. The award dated 20.10.2018 passed by the Motor Accident Claims Tribunal, Kaithal is modified to the extent indicated above.

12. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

(VIRINDER AGGARWAL)
JUDGE

18.03.2026
Saurav Pathania

(i) Whether speaking/reasoned : Yes/No
(ii) Whether reportable : Yes/No