

2026:PHHC:026023



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-1879-2012 (O&M)

AARADHNA
Vs.
....Appellant

MAYANK SINGH AND ANR.
....Respondents

1	The date when the judgment was reserved	02.02.2026
2	The date when the judgment is pronounced	19.02.2026
3	The date when the judgment is uploaded on the website	19.02.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof.	Not applicable

CORAM: HON’BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Balkar Singh, Advocate for the appellant.

None for the respondents.

HARKESH MANUJA, J.

CM-7854-CII-2012

This is an application seeking condonation of delay of 718 days in re-
filing the appeal.

The reasons mentioned in the application which is supported by an affidavit, constitute sufficient cause for condonation of the delay in re-filing; accordingly, the same is allowed and the delay of 718 days in re-filing the appeal is hereby condoned.

MAIN CASE

1. By way of present appeal, challenge has been laid to an award dated 19.11.2009, passed by the learned Motor Accident Claims Tribunal, Panchkula (for brevity, "the Tribunal"), whereby an amount of Rs. 1,17,368/- was awarded as compensation to the appellant/claimant along with interest @ 12% per annum from the date of filing of claim petition till its actual realization, on account of injuries suffered by her in a vehicular accident, which occurred on 05.02.2009.

FACTS

2. The appellant, being injured filed a claim petition before the learned Tribunal praying for grant of compensation to the tune of Rs. 3,00,000/- (Rupees three lakhs only), on account of injuries suffered by her in a motor vehicular accident which took place on 05.02.2009 while alleging rash and negligent driving of vehicle bearing registration No. HR-99-CZ-5442 being driven by respondent No. 1/driver.

3. After going through the claim petition and evaluating the evidence led by both the parties, learned Tribunal vide award dated 19.11.2009, arrived at a conclusion that the accident occurred on account of rash and negligent driving of respondent No. 1 and awarded Rs. 1,17,368/- as compensation.

4. Being aggrieved against the aforesaid award dated 19.11.2009; the present appeal has been preferred by the appellant/claimant for

enhancement of compensation. Facts as specified in the claim petition and the issue regarding negligence of the driver been recorded in favour of the appellant/claimant by the learned Tribunal being not in dispute, therefore, for the sake of brevity, those are not being repeated here.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR THE APPELLANT/CLAIMANT.

5. Learned counsel for the appellant/claimant contended that the compensation awarded by the learned Tribunal, vide award dated 19.11.2009 was wholly inadequate and assessed on the lower side without properly appreciating the nature of injuries, period of treatment and the attendant circumstances. It was submitted that the appellant suffered multiple grievous injuries, including a fracture of the hip; remained hospitalized for about five days and was rendered incapable of performing her avocation for several months, yet no just and reasonable amount was awarded towards pain and suffering, loss of income during the period of treatment and loss of future earning capacity. Learned counsel further submitted that the Tribunal failed to grant any compensation towards the loss of the hearing aid of the appellant's minor son, valued at ₹98,000/-, which was damaged in the accident, though the same was a direct consequence of the rash and negligent driving of respondent No.1. It was further argued that the amount awarded towards medical expenses, transportation and special diet was grossly meager and contrary to the un rebutted evidence on record showing expenditure of more than ₹40,000/- under these heads. It was, thus, contended that the impugned award suffered from patent illegality and non-application of mind to the settled principles governing assessment of compensation in injury cases and,

therefore, deserves to be suitably enhanced to grant just and fair compensation to the appellant.

DISCUSSION

6. I have heard learned counsel for the appellant/claimant and perused the paper-book of the case as well. I find force in the arguments advanced by learned Counsel for appellant/claimant.

7. Before determining the quantum of compensation, it is essential to draw guidance from the principles laid down in similar cases by the Hon'ble Apex Court. In **"Raj Kumar vs. Ajay Kumar and Ors."** reported as **(2011) 1 SCC 343** the Court laid down the heads under which compensation is to be awarded for personal injuries.

"6. The heads under which compensation is awarded in personal injury cases are the following:

Pecuniary damages (Special damages)

- (i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food, and miscellaneous expenditure.*
- (ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:*
 - (a) Loss of earning during the period of treatment;*
 - (b) Loss of future earnings on account of permanent disability.*
- (iii) Future medical expenses.*

Non-pecuniary damages (General Damages)

- (iv) Damages for pain, suffering and trauma as a consequence of the injuries.*
- (v) Loss of amenities (and/or loss of prospects of marriage).*
- (vi) Loss of expectation of life (shortening of normal longevity).*

In routine personal injury cases, compensation will be awarded only under heads (i), (ii) (a) and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant, the compensation will granted under any of the heads (ii) (b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future

medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life”.

ON THE ASPECT OF ENHANCEMENT OF COMPENSATION

ASSESSMENT UNDER “LOSS OF INCOME”

8. In the present case, as per the statement of Aaradhna-appellant while deposing as PW-2, it was submitted that she was running a business of cloth-stitching and thus, earning Rs. 6,000/- per month, however, no documentary evidence to support the income was placed before the Tribunal. Accordingly, learned Tribunal failed to assess loss of income of injured. In this regard, it may be noticed here that the Hon’ble Supreme Court, in the case **“Mohni Devi Thakur vs. Manjit Singh”**, reported as **2021(1) RCR CIVIL 737**, this Court assessed the notional income of housewife @ Rs. 7,500/- per month while awarding compensation in relation to an accident dated 24.05.2013.

8.1 Even in the case of **“National Insurance Co. Ltd. vs. Dhan Singh”** reported as **2019 (3) PLR 301**, notional income of housewife was assessed @ Rs. 11,000/- per month by this Court while awarding compensation in relation to an accident dated 20.09.2017.

8.2 Therefore, the notional income of house wife needs to be considered keeping in mind multifarious services rendered by her for the family; the expenses for cook service, maid servant service, housekeeping expenses and keeping in mind the savings accrued due to all these services. Even the invaluable emotional support and the contribution of house wife to her husband, children and in-laws, cannot be assessed in terms of money. Considering the law laid down by Co-ordinate Bench in the aforementioned judgments, this Court in its humble opinion and after giving

anxious thought to the facts and circumstances of the present case, wherein the victim was fortunately alive but suffered injuries, conservatively assesses the notional income of the appellant/claimant @ Rs. 4,500/- per month. Now, as per the statement of the appellant/claimant, she remained in hospital from 05.02.2009 to 10.02.2009 and as such loss of income suffered by her during the said period is assessed as Rs. 750/- (Rs. 150 x 5). Further, evidently the motor vehicular accident in the present case took place on 05.02.2009 and the appellant/claimant must have been bed-ridden for 3 months due to fracture of hip joint, after the accident. Thus, it would be safe to assume that the appellant suffered loss of income for 3 months due to reduced working capacity. Therefore, after considering facts and circumstances of the present case, loss of income for the said period is conservatively assessed @ Rs. 13,500/- (150 x 90). Further, with regard to the claim for compensation under the head of '*loss of future income*', in the absence of any cogent evidence establishing permanent disability suffered by the appellant/claimant, no amount is liable to be awarded under the said head.

ASSESSMENT UNDER "MEDICAL EXPENSES/HOSPITALIZATION"

9. In the present case, appellant/claimant suffered fracture of hip joint. Even though appellant could produce few medical bills and receipts only (amounting to Rs. 3,168/-) but keeping in mind the cost factor prevalent at the time of motor vehicular accident and the follow-up treatment besides need of medicines during rehabilitation period, the compensation under this head needs to be re-assessed. The aforesaid view finds force from the fact that due to shock and mental agony on

account of accident, a person cannot be presumed to be vigilant enough to collect all the bills for claim/reimbursement purposes, thus, compensation under this head is assessed as Rs. 50,000/-.

ON THE ASPECT OF PAIN AND SUFFERINGS

10. For assessing just compensation under the head of pain and sufferings, reference may be drawn to the decision of the Hon'ble Supreme Court in **K. Murlidhar vs. R. Subbulakshmi & Anr., 2024 INSC 886**, wherein it was held that the award of compensation under non-pecuniary heads must be reasonable and commensurate with gravity of the injuries suffered; the extent of disability; the duration of hospitalization, and the mental and physical agony endured by the claimant. Relevant portion of the same is reproduced as under:-

“15. Keeping in view the above-referred judgments, the injuries suffered, the ‘pain and suffering’ caused, and the life-long nature of the disability afflicted upon the claimant-appellant, and the statement of the Doctor as reproduced above, we find the request of the claimant-appellant to be justified and as such, award Rs. 15,00,000/- under the head ‘pain and suffering’, fully conscious of the fact that the prayer of the claimant-appellant for enhancement of compensation was by a sum of Rs. 10,00,000/-, we find the compensation to be just, fair and reasonable at the amount so awarded.”

10.1 In light of the settled legal position enunciated by the Hon'ble Supreme Court in ***Muralidhar's case (supra)***, and having due regard to the peculiar facts and circumstances of the present case, it is evident from the documentary evidence duly proved on record that the appellant/claimant sustained grievous injuries, including fracture of hip joint. Thus, this Court is of the opinion that an amount of Rs. 1,00,000/- is awarded under the head of pain and sufferings.

ASSESSMENT UNDER OTHER 'PECUNIARY HEADS'

11. Admittedly, the injured was bed ridden for 3 months as she was suffering from fracture of hip joint and would have definitely gone for her post-operative care. However, learned Tribunal failed to grant adequate compensation under the head of special diet, conveyance charges and attendant charges. Therefore, compensation granted under these heads is reassessed @ Rs. 1,00,000/.

12. One more contention raised by learned counsel for the appellant merits acceptance. A perusal of the record reveals that the appellant had specifically pleaded and led cogent evidence to establish that the hearing aid of her minor son, valued at ₹98,000/-, was damaged in the motor vehicular accident in question. The original bill pertaining to the said hearing aid was duly produced and proved on record as Ex.P6, and its authenticity remained unshaken in cross-examination. The damage to the said device is shown to be a direct and natural consequence of the accident caused by the rash and negligent driving of respondent No.1. Despite the aforesaid unrebutted evidence, the learned Tribunal failed to award any amount under this head. In these circumstances, the appellant is held entitled to compensation of ₹98,000/- towards the loss of the hearing aid, which is hereby granted.

CONCLUSION

13. In view of what has been discussed hereinabove, the appellant/claimant shall be entitled for the grant of compensation in the following manner:-

S.No.	Nature	Amount (in Rs.)
1.	Loss of Income (Rs. 750+ Rs. 13,500)	Rs. 14,250/-
2.	Medical Expenses/Hospitalization	Rs. 50,000/-
3.	Compensation under other pecuniary head	Rs. 1,00,000/-
4.	Compensation under pain and sufferings	Rs. 1,00,000/-
	Total Compensation	Rs. 2,64,250/-
	Amount Awarded by the Tribunal	Rs. 1,17,368/-
	Enhanced Amount	Rs. 1,46,882/-
	Amount of compensation for loss of hearing aid of minor son	Rs. 98,000/-

14. The grant of interest @ 12% per annum is equitable and justified in the light of the guidelines given by the Hon’ble Supreme Court in the case of “Savita Sharma and others vs. Union of India/ Chandigarh Administration and another 2008 ACJ 2032.” In case the said amount is not paid within three months, the same shall be payable thereafter along with 15% interest from the expiry of period of three months from today. Needless to mention here that the amount of compensation already paid to the claimant shall be deducted from the enhanced compensation.

15. In view of the aforesaid modification, the present appeal stands disposed of. Pending miscellaneous application(s), if any, shall also stand disposed of.

February 19, 2026
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(HARKESH MANUJA)
JUDGE

- (i) Whether reasoned/speaking? Yes
- (ii) Whether reportable? Yes