



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2872-2012 (O&M)

SANJAY @ SANJU
Vs.
DEVENDER @ PAPPa AND OTHERS

....Appellant
...Respondents

FAO-2873-2012 (O&M)

RAJINDER
Vs.
DEVENDER @ PAPPa AND OTHERS

....Appellant
....Respondents

1	The date when the judgment was reserved	24.02.2026
2	The date when the judgment is pronounced	07.04.2026
3	The date when the judgment is uploaded on the website	08.04.2026
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. Anshuman Dalal, Advocate for the appellant(s).
Mr. K.P.S. Virk, Advocate for respondent No.3 (thr. V.C.).

HARKESH MANUJA, J.

1. The present appeals have been preferred against the award dated 04.10.2011 passed by the learned Motor Accident Claims Tribunal, Rohtak (for short “the Tribunal”), whereby the claim petitions filed by the appellant(s) was/were dismissed. Since both the claim petitions arise out of the same accident dated 06.05.2010, the same are being disposed of by this common judgment.

FACTS

2. The case of the appellants was that on 06.05.2010 at about 9:00 A.M., the appellants were travelling on a motorcycle from village Titoli to Rohtak, when a jeep bearing registration No. HR-12L-2838, driven by respondent No.1 in a rash and negligent manner, came from behind and

hit their motorcycle. As a result thereof, both the appellants sustained grievous injuries and were shifted to PGIMS, Rohtak. It was further their case that due to the said accident, appellant Sanjay remained in coma for several days and both appellants suffered permanent disability affecting their earning capacity.

3. The learned Tribunal dismissed the claim petitions primarily on the grounds that there was an unexplained delay of about 48 days in lodging the FIR; that certain inconsistencies were noticed in the photographic evidence produced on record; that there existed a suspicion of collusion between the claimants and respondents No. 1 and 2; and that the claimants failed to satisfactorily establish negligence on the part of the offending vehicle.

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

4. Learned counsel for the appellant(s) contended that the findings recorded by the Tribunal were perverse and contrary to the settled principles of law. It was argued that the delay in lodging the FIR stood sufficiently explained in view of the medical condition of the injured. He further submitted that the FIR and the charge-sheet (Ex.P1 and Ex.P2) clearly established the involvement of the offending vehicle in the occurrence. Learned counsel also emphasized that the injured witnesses, who appeared as PW4 and PW5, fully supported the case of the appellant(s) and their testimonies remained unshaken. Additionally, he also contended that the non-appearance of the driver and owner of the offending vehicle warranted drawing an adverse inference against them. Accordingly, it was submitted that the award passed by the learned

Tribunal be set aside and that compensation be granted in a just and fair manner in accordance with the settled principles of law.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR RESPONDENT No.3/INSURANCE COMPANY.

5. Learned counsel for respondent No.3/Insurance Company supported the impugned award and contended that the same was well-reasoned and required no interference. It was argued that the unexplained delay of about 48 days in lodging the FIR, coupled with inconsistencies in the evidence, casted serious doubt on the genuineness of the claim. He further submitted that the appellant(s) failed to establish rash and negligent driving on the part of the offending vehicle and that the possibility of collusion with respondents No.1 and 2 could not be ruled out. Accordingly, prayer was made for dismissal of the appeal(s).

DISCUSSION AND REASONING

6. I have heard learned counsel for the parties and perused the paper-book of the case. I find force in the arguments by the learned counsel for the appellant(s).

7. The Tribunal placed undue emphasis on the delay in lodging the FIR. However, it is well settled that delay in lodging the FIR cannot be a ground to discard an otherwise genuine claim, particularly in motor accident cases. The Hon'ble Supreme Court in **Ravi v. Badrinarayan, 2011 (4) SCC 693**, has held that delay in lodging the FIR is not fatal where the injured is under treatment or otherwise incapacitated. Relevant para thereof is reproduced hereunder:-

"20. It is well-settled that delay in lodging FIR cannot be a ground to doubt the claimant's case. Knowing the Indian conditions as they are, we cannot expect a

common man to first rush to the Police Station immediately after an accident. Human nature and family responsibilities occupy the mind of kith and kin to such an extent that they give more importance to get the victim treated rather than to rush to the Police Station. Under such circumstances, they are not expected to act mechanically with promptitude in lodging the FIR with the Police. Delay in lodging the FIR thus, cannot be the ground to deny justice to the victim. In cases of delay, the courts are required to examine the evidence with a closer scrutiny and in doing so; the contents of the FIR should also be scrutinised more carefully. If Court finds that there is no indication of fabrication or it has not been concocted or engineered to implicate innocent persons then, even if there is a delay in lodging the FIR, the claim case cannot be dismissed merely on that ground.

21. The purpose of lodging the FIR in such type of cases is primarily to intimate the police to initiate investigation of criminal offences. Lodging of FIR certainly proves factum of accident so that the victim is able to lodge a case for compensation but delay in doing so cannot be the main ground for rejecting the claim petition. In other words, although lodging of FIR is vital in deciding motor accident claim cases, delay in lodging the same should not be treated as fatal for such proceedings, if claimant has been able to demonstrate satisfactory and cogent reasons for it. There could be variety of reasons in genuine cases for delayed lodgment of FIR. Unless kith and kin of the victim are able to regain a certain level of tranquility of mind and are composed to lodge it, even if, there is delay, the same deserves to be condoned. In such circumstances, the authenticity of the FIR assumes much more significance than delay in lodging thereof supported by cogent reasons.”

7.1 Similarly, in **Bimla Devi v. Himachal Road Transport Corporation, 2009 (13) SCC 530**, it has been held that strict proof of evidence, as required in a criminal trial, is not necessary and the Tribunal is required to adopt a pragmatic approach. In the present case, appellant Sanjay remained unconscious and was declared unfit to make a statement, while the other injured was engaged in his medical treatment. It has further come on record that there were talks of compromise going on between the parties, which also contributed to the delay in lodging the FIR; however, the same could not fructify and, therefore, the FIR came to

be registered belatedly. Thus, the delay stands sufficiently explained and could not have been made a ground to discard the claim.

8. The Tribunal has erred in applying a hyper-technical standard of proof while adjudicating the present claim. It is well settled that proceedings under the Motor Vehicles Act are summary in nature and are not governed by strict rules of evidence. **In Kaushnuma Begum v. New India Assurance Co. Ltd., 2001 (2) SCC 9**, the Hon'ble Supreme Court held that such claims are to be decided on the touchstone of preponderance of probabilities rather than strict proof as required in criminal trials. Further, in **Mangla Ram v. Oriental Insurance Co. Ltd., 2018 (5) SCC 656**, it was held that once the involvement of the offending vehicle is established, a liberal and pragmatic approach is required to be adopted. In the present case, the Tribunal failed to adhere to these settled principles and instead applied an unduly stringent standard, thereby resulting in miscarriage of justice.

8.1 Furthermore, the FIR (Ex.P1) and the report under Section 173 Cr.P.C. (Ex.P2) clearly indicate that respondent No.1 was prosecuted for offences under Sections 279/337/338 IPC. In **Sunita v. Rajasthan State Road Transport Corporation, 2020 (13) SCC 486**, the Hon'ble Supreme Court has held that filing of a charge-sheet is a relevant factor for establishing negligence on the touchstone of preponderance of probabilities. However, the Tribunal failed to accord due weight to these material documents while adjudicating the claim.

8.2 Additionally, PW4 Rajinder and PW5 Sanjay, being injured witnesses, have consistently deposed regarding the manner of the accident and have fully supported the case of the appellant(s). Their testimonies carry significant evidentiary value. In **Jarnail Singh v. State**

of Punjab, 2009 (9) SCC 719, it has been held that the testimony of injured witnesses commands greater credibility. In the present case, there is nothing on record to discredit or disbelieve their testimonies. Moreover, respondent No.1 (driver) and respondent No.2 (owner) admittedly did not step into the witness box to depose in support of their case. In such circumstances, an adverse inference is liable to be drawn against them. However, the Tribunal failed to take into consideration this material aspect while passing the impugned award.

9. In view of the discussion made hereinabove, this Court is of the considered opinion that the findings recorded by the learned Tribunal are unsustainable in the eyes of law. The Tribunal has misdirected itself by discarding reliable and cogent evidence on hyper-technical grounds and by applying an erroneous standard of proof. The delay in lodging the FIR stands sufficiently explained, the involvement of the offending vehicle is duly established from the record, and the testimonies of the injured witnesses inspire confidence.

10. Accordingly, it is held that the accident in question occurred due to rash and negligent driving of the offending vehicle i.e. jeep bearing registration No. HR-12L-2838 by respondent No.1. The findings of the Tribunal to the contrary are hereby set aside.

10.1 Since the learned Tribunal has dismissed the claim petitions, no compensation was assessed. Therefore, this Court proceeds to determine just and fair compensation payable to the appellant(s).

11. 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 be 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”.

ASSESSMENT UNDER “LOSS OF INCOME” (SANJU)

12. A perusal of the record reveals that the appellant/claimant was 24 years of age at the time of accident and stated to be earning Rs. 6,000/- per month as he was working as a mason. However, no documentary evidence was produced on record. Even otherwise, it stands duly proved that the appellant sustained grievous injuries in the accident, on account of which he remained hospitalized and incapacitated for a considerable period, rendering him unable to attend his avocation. In such circumstances, the absence of documentary proof cannot be a ground to deny just compensation, particularly when the nature of injuries

and period of treatment clearly establish loss of earning during the period of rehabilitation. In this situation observations made by the Hon'ble Apex Court in "Kubra Bibi vs. Oriental Insurance Co. Ltd.", reported as 2023 (3) Apex Court Judgments (SC) 23, to the effect that in the absence of definite proof of income, the social status of the deceased is to be kept in perspective where such persons are employed in unorganized sector and the notional income is required to be taken into consideration to help the cause of the appellant. Relevant para from this judgment is reproduced hereunder:-

"7. In a matter of the present nature where the compensation is sought and even in absence of definite proof of the income, the social status of the deceased is to be kept in perspective where such persons are employed in unorganized sector and the notional income in any event is required to be taken into consideration. The fact that the deceased had three dependents to be cared for and had claimed that he was working as a mechanic, the amount payable to an unskilled labour, cannot be the basis and in that circumstance when he was a skilled person, the daily income at Rs. 200 per day in any event could have been taken even if the income from jeep transport business was discarded for want of documents. More so in a circumstance, where the MACT had referred to the evidence available on record and then arrived at its conclusion, the re-appreciation of the evidence by the High Court is without being sensitive to nature of lis before it."

12.1 Furthermore, the nature of proceedings in Motor Accident Claims, being summary in nature, evidence in *stricto sensu* is not required. The Hon'ble Supreme Court in case of "Chandra @ Chanda @ Chandraram vs. Mukesh Kumar Yadav & Ors.", reported as (2022) 1 SCC 198, held that in the absence of proof of income, the minimum wage notification can be a yardstick but at the same time cannot be absolute one to fix the

income of the deceased and some guesswork is required to be done to assess the income. Relevant excerpt thereof is reproduced hereunder:-

“.....In the absence of salary certificate the minimum wage notification can be a yardstick but at the same time cannot be an absolute one to fix the income of the deceased. In the absence of documentary evidence on record some amount of guesswork is required to be done. But at the same time the guesswork for assessing the income of deceased should not be totally detached from reality. Merely because claimants were unable to produce documentary evidence to show the monthly income of Shivpal, same does not justify adoption of lowest tier of minimum wage while computing the income. There is no reason to discard the oral evidence of the wife of the deceased who has deposed that late Shivpal was earning around Rs. 15,000/- per month.....”

12.2 In view of the aforesaid discussion and also while keeping into account the facts and circumstances of the present case, this Court is of the considered opinion that the notional income of the appellant/claimant is assessed @ Rs. 5,016.9/- per month (Rs. 167.23 per day) rounded off to Rs. 5,020/-. Now, as per the discharge card (Ex.P53) the appellant/claimant remained in hospital from 06.05.2010 to 01.06.2010 i.e. 26 days and as such loss of income suffered by him during the said period is assessed as Rs. 4,347.98/- (Rs. 167.23 x 26) which is rounded off to Rs. 4,350/-. Further, evidently the motor vehicular accident in the present case took place on 06.05.2010 and the appellant/claimant must have been bed-ridden for 6 months due to splenic injury (spleen laceration/tear) with blood in the peritoneum (hemoperitoneum), contusion of spleen (USG showing altered echotexture, ~4.3 × 2.8 cm area), bilateral pleural effusion, basal lung consolidation (right side more, with left-sided involvement), collapse/consolidation of lung (left side), right-sided pneumothorax, subcutaneous emphysema in right chest wall

and multiple rib fractures (right side), after the accident. Thus, it would be safe to assume that the appellant suffered loss of income for 6 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. 30,101.4/- (167.23 x 180) which is rounded off to 30,101/-. Furthermore, though, the appellant/claimant has suffered 17% disability which has been established by the disability certificate (Ex.P74) yet it being a case of splenic injury (spleen laceration/tear) with blood in the peritoneum (hemoperitoneum), contusion of spleen (USG showing altered echotexture, ~4.3 × 2.8 cm area), bilateral pleural effusion, basal lung consolidation (right side more, with left-sided involvement), collapse/consolidation of lung (left side), right-sided pneumothorax, subcutaneous emphysema in right chest wall and multiple rib fractures (right side), it would be just and fair if the future loss of income/functional disability is assessed @ 15%, keeping in view the nature of work being performed by the appellant, the resultant severe restriction on his mobility and earning capacity, and the settled principle that functional disability may differ from the medical disability depending upon the avocation of the injured. Additionally, the Hon'ble Supreme Court, in the case of **"Pappu Deo Yadav v. Naresh Kumar"** reported as **2020 INSC 553** held that in cases where a claimant suffers disability due to a motor vehicle accident, compensation may be awarded not only for the future loss of income but also towards future prospects.

12.3 A perusal of record shows that the age of appellant/claimant at the time of accident was 24 years. The computation of future prospects is to be done as per the law laid down by a Constitution Bench of the

Hon'ble Supreme Court in **"National Insurance Co. Ltd. v. Pranay**

Sethi” reported as **(2017) 16 SCC 680** para 59.3, which records the conclusion in this regard, reads as under:-

“59.3 While determining income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should read as actual salary less tax.”

12.4 In view of the above discussion, the appellant/claimant in addition to the loss of future earnings, shall also be entitled to compensation for loss of future prospects @ 40%. Therefore, the income of the appellant/claimant after adding future prospects be taken as Rs. 7,028/- (5,020 + 2,008) per month for the purpose of calculation of compensation. Accordingly, this Court finds that the compensation payable for the functional disability to the extent of 15% is assessed @ Rs. 2,27,707.2/- (7,028 x 12 x 18 x 15/100).

ASSESSMENT UNDER “MEDICAL EXPENSES/HOSPITALIZATION”

13. In the present case, the appellant/claimant suffered disability to the extent of 17% which has been established by the disability certificate (Ex.P74). The appellant/claimant has also stated that he had spent a sum of Rs. 1 lakh approximately on treatment. Furthermore, the appellant/claimant has also proved on record medical bills Ex.P47 to Ex.P52, which shows that the appellant/claimant had spent hefty amount on his treatment. Therefore, keeping in mind the cost factor prevalent at the time of motor vehicular accident and the treatment besides need of medicines during rehabilitation period, the compensation under this head needs to be 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, in the humble opinion of this Court, compensation under this head is assessed as Rs. 1,50,000/-.

ON THE ASPECT OF PAIN AND SUFFERINGS

14. 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.”

14.1 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, namely splenic injury (spleen laceration/tear) with blood in the peritoneum (hemoperitoneum), contusion of spleen (USG showing altered echotexture, ~4.3 × 2.8 cm

area), bilateral pleural effusion, basal lung consolidation (right side more, with left-sided involvement), collapse/consolidation of lung (left side), right-sided pneumothorax, subcutaneous emphysema in right chest wall and multiple rib fractures (right side). More than that, as per the disability certificate brought on record, it has been established that the appellant/claimant was found to be having 17% permanent disability. Thus, this Court is of the opinion that an amount of Rs. 2,00,000/- is awarded under the head of pain and sufferings.

ASSESSMENT UNDER OTHER ‘PECUNIARY HEADS’

15. Admittedly, the injured was bed ridden for 6 months as he was suffering from splenic injury (spleen laceration/tear) with blood in the peritoneum (hemoperitoneum), contusion of spleen (USG showing altered echotexture, ~4.3 × 2.8 cm area), bilateral pleural effusion, basal lung consolidation (right side more, with left-sided involvement), collapse/consolidation of lung (left side), right-sided pneumothorax, subcutaneous emphysema in right chest wall and multiple rib fractures (right side), and would have definitely gone for his post-operative care. However, learned Tribunal failed to grant compensation under the head of special diet, conveyance charges and attendant charges. Therefore, compensation granted under these heads is reassessed @ Rs. 1,00,000/.

CONCLUSION

16. 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. 4,350+ Rs. 30,101 + Rs.	2,62,158/-

	2,62,158)	
2.	Medical Expenses/Hospitalization	1,50,000/-
3.	Compensation under other pecuniary head	1,00,000/-
4.	Compensation under pain and sufferings	2,00,000/-
	Total Compensation	7,12,158/-

ASSESSMENT UNDER “LOSS OF INCOME” (RAJINDER)

17. A perusal of the record reveals that the appellant/claimant was 24 years of age at the time of accident and earning Rs. 3,200/- per month as per the Haryana Civil Services (Revised pay) Rules, 2008 which came into force with effect from January 1, 2006 while serving as a Constable in the Haryana Police. Owing to the injuries sustained in the accident, the claimant remained under treatment for a considerable period and was unable to attend to his duties, thereby suffering loss of income during the period. Now, as per the testimony of Dr. Amit Batra (PW-6) and the discharge card (Ex.P46), the appellant/claimant was admitted in hospital from 01.05.2010 to 31.05.2010 i.e. 30 days, and as such loss of income suffered by him during the said period is assessed as Rs. 3,200/- (Rs. 3,200 x 1). Further, evidently the motor vehicular accident in the present case took place on 01.05.2010 and the appellant/claimant must have been bed-ridden for 6 months due to compound fracture in left leg, after the accident. Thus, it would be safe to assume that the appellant suffered loss of income for 6 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. 19,200/- (3,200 x 6). 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”

18. In the present case, appellant/claimant suffered fracture in left femur, fracture of both bones left leg and fracture of left calcaneum with compartment syndrome of left leg. Even though the appellant could only produce few medical bills 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 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. 1,00,000/-.

ON THE ASPECT OF PAIN AND SUFFERINGS

19. 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.”

19.1 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 fracture in left femur, fracture of both bones left leg and fracture of left calcaneum with compartment syndrome of left leg. Thus, this Court is of the opinion that an amount of Rs. 2,00,000/- is awarded under the head of pain and sufferings.

ASSESSMENT UNDER OTHER ‘PECUNIARY HEADS’

20. In view of the nature of injuries sustained by the appellant/claimant, particularly the fracture in left femur, fracture of both bones left leg and fracture of left calcaneum with compartment syndrome of left leg followed by prolonged post-operative care, it can reasonably be inferred that he remained confined to bed for a period of about 6 months and would have definitely gone for his post-operative care. Therefore, compensation granted under these heads is assessed @ Rs. 1,00,000/.

CONCLUSION

21. 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. 3,200 + Rs. 19,200)	22,400/-
2.	Medical Expenses/Hospitalization	1,00,000/-
3.	Compensation under other pecuniary head	1,00,000/-
4.	Compensation under pain and sufferings	2,00,000/-

	Total Compensation	4,22,400/-
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22. In view of the observations made by the Hon’ble Supreme Court in **“Smt. Supe Dei and others vs. National Insurance Company Limited and other,** reported as **(2009) (4) SCC 513** approved in a subsequent judgment titled as **“Puttamma and others vs. K.L. Narayana Reddy and another, 2014 (1) RCR (Civil) 443,** the appellant(s)/claimant(s) are held entitled to interest @ 9% per annum on the amount of compensation awarded to the claimants from the date of institution of claim petition till its realization. In case the said amount is not paid within three months, the same shall be payable thereafter along with 12% interest from the expiry of period of three months from today.

23. Accordingly, both the appeals filed at the instance of claimant(s)/appellant(s), are allowed in the aforesaid terms with the modification in the liability and quantum of compensation as assessed hereinabove. The impugned award dated 04.10.2011 passed by the learned Motor Accident Claims Tribunal, Rohtak is modified to the extent indicated, and the claimant(s)/appellant(s) shall be entitled to the enhanced amount of compensation along with interest in the manner specified in the preceding paragraph. The liability to satisfy the award shall be of respondent No.3-Insurance Company. Pending miscellaneous application(s), if any, shall also stand disposed of.

April 07, 2026
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No