



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

FAO-308-2022(O&M)
Date of decision: 30.03.2026

Sabir

... Appellant

Versus

Mubin and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Tanmoy Gupta, Advocate, and
Mr. Yash Goyal, Advocate,
for the appellant.

None for respondents No.1 & 2, despite service.

Mr. Vinod Gupta, Advocate,
for respondent No.3-Insurance Company.

VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been instituted by the appellant/claimant seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Palwal (for short "the **MACT**"), vide award dated 20.02.2020, on account of the injuries and permanent disability suffered by him in a motor vehicular accident.

2. The appellant/claimant instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, '**MV Act**') seeking compensation of Rs.10,00,000/- on account of injuries suffered by him in a motor vehicular accident, which took place on 25.06.2018. It was averred that on the said date, the appellant/claimant, along with one Sajid, was returning to his village from Punhana on a motorcycle bearing registration No.HR 37F 2099, which was being driven by Sajid. At about 4:30 pm, when



they reached near Gandhi Bhatta, Kot, another motorcycle bearing registration No.HR 52C 7075 (hereinafter referred to as '**offending vehicle**'), being driven by one Mubin at a very high speed and in a rash and negligent manner, came from the opposite side and struck against the motorcycle of the appellant. As a result of the same, both the occupants of the motorcycle fell down and sustained injuries. FIR No.128, dated 26.06.2018, under Sections 279, 337 IPC was registered at Police Station, Bahin.

2.1 The appellant also suffered permanent disability of 83% on account of amputation of right leg above the knee. The disability certificate was duly produced on record as **Ex.P2**. Dr. Sachin Manocha, who was a part of the medical Board and had assessed the disability, also appeared as **PW3**.

3. The MACT, however, without mentioning even a word about disability suffered by the appellant, much less the functional disability, assessed the compensation at Rs.52,000/- and disposed of the claim petition. A perusal of the award reveals that the same has been passed in a most perfunctory manner, without considering the relevant aspects. It appears that either the officer concerned was totally unaware of the law on the subject or dealt with the matter with extreme casualness.

4. The findings on quantum are as under:-

“13. To prove quantum, PWI Sabir in affidavit Ex.PWI/A stated that on 25.6.2018 he sustained injuries. He was taken to CHC, Hathin. MLR was prepared. Then he took treatment from Jai Parkash Narain Apex Trauma Centre, New Delhi. He remained admitted from 25.6.2018 to 28.6.2018 and spent Rs.two lac on his treatment. He was 22 years of age and was having diploma in Nursing



Assistant from Vidyanta Skill Institute, Gurugram and used to earn Rs.10,000/- per month. He suffered 83% disability.

14. PW2 Sajid in affidavit Ex.PW2/A stated that on 25.6.2018 he sustained injuries. He was taken to CHC, Hathin. MLR was prepared. Then he took treatment from Sheetal Nursing Home, Palwal. He remained admitted from 25.6.2018 to 26.6.2018 and spent Rs. one lac on his treatment. At the time of accident he was a student and used to earn Rs. 18,000/- per month by tuition work.

15. PW3 Dr. Sachin Manocha proved disability certificate Ex.P2 mentioning 83% permanent disability of Sabir.

16. Learned counsel for petitioners tendered copies of MLR and discharge summary of Sabir as Ex.P7 and Ex.P9, MLR and x-ray report of Sajid Ex.P8 and Ex.P10.

17. Learned counsel for petitioners submitted that total worth of medical bills Mark 18 to Mark 23 of Sahir comes to Rs.3,500/- and medical bills Mark I to Mark 17 of Sajid comes to Rs. 10,766/-, Petitioner Sabir suffered open communitied fracture right tibia. He was operated upon and remained admitted from 25.6.2018 to 28.6.2018. He suffered permanent disability of 83%. Petitioner Sajid suffered fracture of 4th metacarpal of right foot and remained admitted from 25.6.2018 to 26.6.2018. So, petitioners may be granted just and fair compensation.

18. Learned counsel for respondents submitted that petitioners have failed to produce any document regarding injuries having sustained in the accident. Petitioners have not proved medical bills Mark1 to Mark 23.

19. From examination of record in the light of aforesaid rival contentions, it is crystal clear that in accident dated 25.6.2018 petitioner Sabir and Sajid sustained multiple injuries. Both were taken to CHC, Hathin. MLRs of Sabir and Sajid are Ex.P7 and Ex.P8.



Sabir was taken to Jai Parkash Narain Apex Trauma Centre, New Delhi. He remained admitted from 25.6.2018 to 28.6.2018. He suffered fracture of right tibia. He was operated upon. Petitioner Sajid was taken to Sheetal Nursing Home, Palwal. He suffered fracture of 4th metacarpal of right foot. In view of MLRs and discharge summary and x-ray report, medical bills are reliable. Medical bills Mark 1 to Mark 17 in the sum of Rs.10,766 of Sajid and Mark 18 to Mark 23 in the sum of Rs.3,500 of Sabir are reliable. Petitioner Sabir suffered fracture of right tibia. Petitioner Sajid suffered fracture of 4th metacarpal of right foot. So, it deserves to be held that they must have remained out of action for a period three months each. Petitioner Sabir claimed to be earning Rs. 10,000/- per month by working as Nursing Assistant and petitioner Sajid claimed to be earning Rs 18,000/-per month by doing tuition work but no document to prove their income has been produced on record. So, income of petitioners is determined as Rs.9000/- per month each as per minimum wages norms. So, besides treatment expenses, the petitioners deserve loss of income and attendant charges for three months. By applying principles of assessment of compensation as provided by Hon'ble Supreme Court of India in the case of R. D. Hattangadi VS. M/s. Pest Control (India) Pvt. Ltd. 1995 ACJ 366 to above said facts, petitioner Sajid deserves compensation under following heads:

Sr. No.	Heads	Amount(Rs.)
1.	Medical expenses	10,800
2.	Loss of income @ Rs.9000 p.m. for three months	27,000
3.	Pain & suffering during hospitalization	10,000
4.	Pain & suffering for one operation	10,000
5.	Attendant's charges @ Rs.2000/- for three months	6,000



6.	Transportation, special diet & misc. expenses	5,200
	Total	69,000

20. Petitioner Sabir deserves compensation under following heads:

Sr. No.	Heads	Amount(Rs.)
1.	Medical expenses	3,500
2.	Loss of income @ Rs.9000 p.m. for three months	27,000
3.	Pain & suffering during hospitalization	10,000
4.	Attendant's charges @ Rs.2000/- for three months	6,000
5.	Transportation, special diet & misc. expenses	5,500
	Total	52,000

5. The aforesaid findings show that despite noticing that disability certificate (Ex.P2) had been produced on record by Dr. Sachin Manocha, the MACT did not bother to even discuss a word, despite arguments having been addressed on the same. This Court could have undertaken the entire exercise itself. However, the abdication of duty by the concerned Court ought not to be permitted to operate as a premium, enabling it to get away with such a non-speaking award.

6. That being so, the instant appeal is allowed. The award dated 20.02.2020 is set aside, and the matter is remitted to the MACT for fresh adjudication on the question of quantum only, in accordance with law. Since the accident pertains to the year 2018 and the appeal to the year 2022, the MACT would decide the matter within a period of four months.

7. Parties may appear before the Court of District and Sessions Judge, Palwal on 06.04.2026 at 10:00 am. The said Court may retain the



case with itself or may allocate the same to the successor Court or to any other Court having jurisdiction to deal with the matter.

8. Pending application(s), if any, also stands disposed of.

(VIKRAM AGGARWAL)
JUDGE

March 30, 2026
Rajan

Whether speaking / reasoned:	Yes
Whether Reportable:	Yes