

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****222****Date of decision: 22.01.2026****FAO-5648-2016(O&M)****The Oriental Insurance Company Limited****...Appellant(s)****Vs.****Gurvinder Singh & Another****...Respondent(s)***********FAO-226-2017(O&M)****Gurvinder Singh****...Appellant(s)****Vs.****Gursewak Singh & Another****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. D.P. Gupta, Advocate
Mr. Shubham Gupta, Advocate
for the appellant/Insurance Company
in FAO-5648-2016.

Ms. Gurnam Kaur Turka, Advocate
Mr. Hitesh Kumar Sammi, Advocate
for the claimant/appellant
in FAO-226-2017.

*********NIDHI GUPTA, J.****FAO-5648-2016**

Present appeal has been filed by the Insurance Company
against the Award dated 03.05.2016 passed by Motor Accident Claims



Tribunal, Patiala (hereinafter 'the learned Tribunal') in MAC Case No.264 dated 19.08.2014 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"); whereby Claim Petition filed by the injured-claimant/respondent No.1 herein, has been allowed and compensation of Rs.3,25,000/-has been awarded to the claimant.

FAO-226-2017

Present appeal has been filed by injured-claimant seeking enhancement of compensation of Rs.3,25,000/- awarded by the learned Tribunal vide Award dated 03.05.2016 passed in MAC Case No.264 dated 19.08.2014 filed under Section 166 of the Act.

Both the above cross-appeals are being disposed of by this common order as both arise out of the same accident dated 10.05.2011; against same Award dated 03.05.2016; and parties, facts, and issues involved in both the appeals are identical. For the sake of brevity, the facts are being taken from FAO-5648-2016 titled as "The Oriental Insurance Company Limited Vs. Gurvinder Singh & Another", and parties are being referred to as per their litigative status in the said appeal.

2. Learned counsel for the appellant/Insurance Company assails the impugned Award by submitting that challenge in the present appeal is only in respect of the quantum of compensation awarded to the claimant. It is submitted that in the accident in question, the claimant had only suffered a nasal fracture. PW2 Dr. Amita, has clearly stated in her evidence that



claimant had suffered only a nasal fracture. PW2 has further deposed that the claimant had remained hospitalised only from 10.05.2011 and was discharged properly on 28.05.2011. It is submitted that there is nothing on record to indicate that claimant will require future treatment. Despite that, the Tribunal has awarded an exorbitant amount of Rs.1,70,000/- towards 'dental implants'; when there is no such evidence. In this regard, learned Tribunal has relied upon medical bills (Ex.C16 and Ex.C17) produced by the claimant. Learned counsel contends that the said medical bills could not have been relied upon as there is no evidence on record to remotely indicate that claimant required future medical treatment. Moreover, the said medical bills have not been proven in accordance with law by examining any doctor. What is more the Tribunal has even awarded interest over future medical expenses, which could not have been done.

3. Learned counsel further submits that it was the pleaded case of the claimant that prior to the accident, he was dairy milk farmer and was earning Rs.20,000/- per month. From the testimony of PW2, there is nothing to show that claimant had suffered any loss of income. In any event, it was own pleaded case of the claimant that he was earning only Rs.20,000/- per month. Despite that, for hospitalisation of about 19 days, the Tribunal has awarded Rs.30,000/- towards loss of income. It is argued that this amount is even more than the monthly income claimed to be earned by the claimant.



4. It Is further submitted that the Ld. Tribunal erred in awarding Rs. 25,000/- each for transportation and for special diet. No medical evidence was led by the claimant that he required any special diet. Similarly no evidence was produced that claimant spent Rs. 25,000/- for transportation.

5. The Ld. Tribunal erred in awarding Rs.25,000/- for loss of amenities of life for the reason that the claimant would not be able to walk, run or sit. However, claimant did not produce any disability certificate or evidence of any medical expert that he is unable to walk, run or sit as he was doing earlier. Similarly Rs.25,000/-awarded for damages for loss of expectation of life, inconvenience hardship, discomfort, disappointment, frustration and mental stress is without basis. Rather, it amounts to duplication of compensation as the claimant has already been awarded the said amount for loss of amenities of life. Further, an amount of Rs.25,000/- has been awarded in Para 23 of the Award without mentioning the head under which it has been granted. It is accordingly prayed that the impugned Award be set aside.

6. Per contra, learned counsel for the claimant submits that the Medical expenses are liable to be enhanced to the tune of Rs.5 lakh. Interest should be granted @ 12% per annum. It is submitted that the Id. Tribunal has committed a grave error while not awarding any compensation on account of loss of income for the period the appellant remained hospitalized and bedridden for the injuries and fractures suffered by him in the accident in



question. The appellant got fractured his jaw, collar bone and both legs in the accident in question and remained bed ridden and was not able to do any work for a period of more than one year and due to the injuries suffered by him his capacity to work has been reduced and he is likely to suffer in his earnings for whole of his life. In such circumstances at least an amount of Rs. 5 lacs should have been awarded on account of loss income, but nothing has been awarded.

7. Ld. Counsel for the claimant further contends that the Id. Tribunal has committed an error as no compensation has been awarded on account of attendant charges. The appellant remained admitted in the hospital for three weeks where at least two attendants stayed with him throughout and thereafter he remained bedridden for one more than one year and was not able to perform his daily chores and an attendant was continuously required. In such circumstances at least Rs. 1 lac should have been awarded for attendant charges, while nothing has been awarded.

8. Ld. Counsel for the claimant further submits that the compensation awarded on account of medical expenses is at very lower side. The appellant has placed on record the rough costs of implant artificial teeth of the value of Rs. 1,40,000/- and replacement of implants to the tune of Rs. 30,000/-. Besides this the appellant remained admitted in the hospital for a period of three weeks and remained under further treatment and still undergoing treatment. The appellant has spent more than Rs. 3,00,000/- on



his treatment, while the Tribunal has awarded an amount of Rs. 1,70,000/- only which is required for implant of artificial teeth and replacement of implant. Thus virtually no compensation has been awarded for the medical expenses already made by the appellant. The amount of compensation on account of medical expenses is liable to be enhanced to the tune of Rs. 5 lacs.

9. It is also contended that the Ld. Tribunal has not awarded any compensation on account of loss of marital prospectus of the appellant. The appellant is young unmarried boy of 19 years of age. His face has disfigured due to the injuries suffered in the accident in question as his jaw as well nasal bone were broken and it will be very difficult to find good match for him due to the disfigurement of his face. A compensation of Rs. 2 lacs should have been awarded on this account.

10. It is accordingly prayed that present appeal/FAO 226 of 2017 be allowed and compensation payable to the claimant be enhanced as above.

11. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail.

12. It is the pleaded case of the claimant that in the accident in question, he had suffered fracture of the jaw, collar bone and both legs. However, learned counsel for the claimant has been unable to point out any evidence whatsoever to remotely indicate any of the said injuries/fractures. On the contrary, as correctly pointed out by learned counsel for the Insurance Company, PW2 Dr. Amita, has deposed that: (at page 80 LCR)



“...The patient was admitted on 10.05.2011 and discharged on 28.05.2011 with follow up treatment.

As per CT Scan report, the patient suffered fracture medial, lateral and anterior walls of bilateral maxillary sinuses. Tiny bony fragments were seen in the right maxillary sinus.

Fracture right nasal bone, fracture bony nasal septum and fracture of the lateral wall of right orbit.”

13. Despite numerous and repeated Court queries calling upon learned counsel for the claimant to show the Discharge Summary of the claimant or any other medical record to bear out his contentions, learned counsel for the claimant has been unable to do so. Admittedly, the claimant had also been discharged from the hospital as far back as on 28.5.2011. There is no medical record to indicate that claimant was hospitalized thereafter. Thus, this Court is utterly befuddled as to on what basis learned counsel for the claimant is making his contentions. Even a detailed perusal of the Tribunal record has not revealed any injury on the claimant except nasal fracture. This Court has been unable to find anything whatsoever in the Tribunal record to show any jaw injury, collarbone fracture, fracture of both legs, or any other injury except nasal fracture. In this situation, submissions of the claimant are clearly misguided. The claimant has made submissions which are contrary to the evidence and facts on record. Claimant has been unable to connect his contentions with the facts on file.

14. Furthermore, the learned Tribunal has awarded an amount of Rs.1,70,000/- for dental implants/ for implanting Artificial Teeth and replacement of implants when there is nothing on record to indicate that



claimant had suffered a jaw fracture. It is again incomprehensible to this Court that when there was no jaw injury/fracture, where was the occasion for awarding such an exorbitant amount for dental implants. The Tribunal has granted this amount based on medical bills (Ex.C16 and Ex.C17). These bills pertain to the year 2015-2016. Whereas the accident in question took place on 10.5.2011. Clearly therefore, the Tribunal has relied upon bills which do not pertain to the accident dated 10.5.2011. Claimant has been unable to connect these bills with the injury/ nasal fracture suffered by him or even with the accident dated 10.5.2011. Thus, Tribunal is in manifest error in granting amount of Rs.1,70,000/- on the basis of the said bills.

15. Furthermore, contention of the claimant that he has undergone treatment even after the accident cannot be accepted, as there is no medical evidence/ record whatsoever to show that claimant required further future treatment in respect of the injury suffered in the accident dated 10.5.2011. There is even nothing on record to indicate that in the intervening four years from the date of accident on 10.05.2011 up to 2016, claimant had undergone any treatment in respect of the accident dated 10.05.2011. In these circumstances, the only possible inference that can be drawn/ it cannot be ruled out that claimant has presented bills in relation to a subsequent injury. Even otherwise, claimant has failed to support the numerous medical bills produced by him. This fact is noted by learned Tribunal in Para 21 of the Award that: -



“21. The petitioner/claimant has placed on the file rough costs of implant of artificial teeth of the value of Rs.1,40,000/-For replacement of implants again amount to be assessed is Rs.30,000/-. Though no dentist or dental technician has been produced to prove such estimate but keeping in view high costs of medical treatment, such amount do not appear to be on higher side and therefore on account of expenses incurred for purchase of medicines already purchased and likely to be purchased in future as well as for implants required to be made a sum of Rs.1,70,000/-Thus keeping in view the money spent by the claimant on his treatment and money likely to be spent on future treatment including costs of implants/denture etc a sum of Rs.1,70,000/-is awarded to the claimant on that score.”

(Emphasis added)

16. Thus, Tribunal has awarded a huge amount of Rs.1,70,000/- for dental implants only on the basis of medical bills presented by the claimant, without any evidence to support the said claim.

17. I also find merit in the contention of learned counsel for the appellant-Insurer that it was the own case of the claimant that he was earning Rs.20,000/- per month. Undisputedly, the claimant had remained hospitalized only for 19 days – from 10.5.2011 till 28.5.2011. In this situation, claimant could not have been granted Rs.30,000/- i.e. loss of income for 1.5 months; when he remained absent from his purported job only for 19 days. Thus, the learned Tribunal has awarded an amount of Rs.30,000/- for monetary loss during the period of treatment without any finding as to how the said amount has been assessed.



18. Learned Tribunal has also awarded an amount of Rs.25,000/- towards loss of amenities of life without a smidgen of medical evidence that he would not be able to walk, run or sit. Furthermore, it can also not be ignored that in respect of the accident on 10.05.2011, the claimant had filed Claim Petition only on 19.08.2014.

19. Accordingly, the compensation payable to the claimant is re-assessed as follows:

Head	Awarded by learned Tribunal	Re-assessed compensation
Medicines	Rs.1,70,000/-	Rs.30,000/-
Monetary loss	Rs.30,000/-	Rs.15,000/-
Special diet	Rs.25,000/-	Rs.5,000/-
Transportation charges	Rs.25,000/-	Rs.5,000/-
Loss of amenities of life	Rs.25,000/-	Nil
Damages for loss of expectation of life	Rs.25,000/-	Nil
Mental stress	Rs.25,000/-	Rs.5,000/-
Total	Rs.3,25,000/-	Rs.60,000/-

20. Resultantly, FAO-226-2017 filed by the claimant is **dismissed**; and FAO-5648-2016 filed by the Insurance Company is **partly allowed**.

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

22.01.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No