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

Date of decision : 09.03.2026

FAO No.737 of 2015 (O&M)

Bhagwant Kaur

Versus

....Appellant

Dharamvir and others

...Respondents

FAO No.1990 of 2015 (O&M)

Darbara Singh

Versus

....Appellant

Dharamvir and others

...Respondents

FAO No.3311 of 2015 (O&M)

Yuvraj Gill and others

Versus

....Appellants

Dharamvir and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vaibhav Jain, Advocate
for the appellant(s).

Mr. H.P.S. Ishar, Addl. A.G., Punjab.

PANKAJ JAIN, J. (ORAL)

CM-2021-CII-2015 in FAO-737-2015

This is an application filed under Section 5 of Limitation Act seeking condonation of delay of 48 days in filing the instant appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant/appellant has made out a sufficient cause for



condonation of delay.

Consequently, the present application is allowed. The delay of 48 days in filing the instant appeal is hereby condoned.

CM-6195-CII-2015 in FAO-1990-2015

This is an application filed under Section 5 of Limitation Act seeking condonation of delay of 02 days in filing the instant appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant/appellant has made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. The delay of 02 days in filing the instant appeal is hereby condoned.

CM-9878-CII-2015 in FAO-3311-2015

This is an application filed under Section 5 of Limitation Act seeking condonation of delay of 02 days in filing the instant appeal.

For the reasons recorded in the application, this Court is satisfied that the applicants/appellants have made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. The delay of 02 days in filing the instant appeal is hereby condoned.

Main Appeals

These are three appeals arising out of three claim petitions filed by the claimants seeking compensation on account of loss suffered in a motor-vehicular accident, dated 26.07.2012.



2. MACT case No.13 of 2013 was filed seeking compensation on account of death of Ms. Gurpreet Kaur, a home-maker, who lost her life in the accident at the age of 35 years. FAO No. 3311 of 2015 arises out of the same.

3. MACT case No.15 of 2013 was filed by Darbara Singh seeking compensation on account of severe head injury suffered by him at the age of 65 years in the said accident. FAO No.1990 of 2015 arises therefrom.

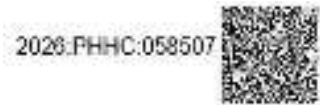
4. MACT case No.16 of 2013 was preferred by Bhagwant Kaur who suffered multiple fractures in the same accident. By filing FAO No.737 of 2015, she seeks enhancement of compensation awarded by the Tribunal.

5. In all the three appeals, claimants seek enhancement of compensation. No other issue has been raised.

FAO No.737 of 2015

6. As per medical evidence on record, claimant who is a home-maker suffered fracture of proximal humerus left side and potts fracture right (Ankle joint) and also fracture of neck of right femur. She was operated twice and was discharged after almost 20 days on 12.08.2012. She was advised bed rest for 1½ month. Tribunal awarded a sum of Rs.2,12,363/- on account of medical expenses on actual basis. Rs.8,000/- was awarded on account of forced rest and attendant and Rs.60,000/- on account of pain and suffering.

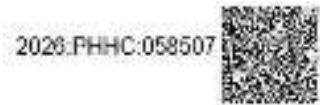
7. The aforesaid award is modified as under:



Heads	Compensation awarded in Rs.	Reasons
Medical Expenses	2,12,363/-	Actual retained as per bills proved on record (Ex.PW4/1 to Ex.PW4/34).
Pain and suffering	1,00,000/-	Appellant was about 60-year-old undergoing a hip-replacement surgery and multiple other fractures-Traumatic Injuries
Attendant charges and forced rest	15,000/-	She was hospitalized for 12 days and prescribed bed rest for 42 days. Assuming an attendant was needed for at least three months, at minimum wage circa 2012 (Rs.4,500 – 5,000/- per month), Rs.15,000/- is a conservative estimate
Special diet	50,000/-	Hospitalized for 12 days and 42 days of complete bed rest suggests she had to undergo special treatment and care.
Transportation/Conveyance	30,000/-	Multiple visits from Sirsa to Hisar. Had to avail private transportation service due to injuries and disability.
Loss of Amenities & Enjoyment of Life	50,000/-	A hip-replacement permanently restricts mobility, and severely affects daily functions, thereby drastically reducing the enjoyment of life.
Loss of Income/services during treatment	15,000/- Applying a notional income of Rs.5,000/- per month for 3 months = 15,000/-	Hospitalization of 12 days and complete bed rest of 42 days (Total 54 days). Further, her physical ability was also affected.
Future medical expenses	50,000/-	For future medical treatment and expenses.

FAO No.1990 of 2015

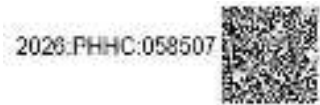
8. Darbara Singh was 65 years of age at the time of accident. He suffered severe head injury. He was diagnosed with left frontal depressed



fractures. He remained hospitalized from 26.07.2012 till 11.02.2013. He had to undergo a neurosurgery. Tribunal awarded him a sum of Rs.2,08,500/- on account of medical expenses on actual basis. Rs.40,000/- have been awarded on account of forced rest and attendant. Rs. 60,000/- have been awarded on account of pain & suffering.

9. Keeping in view the established parameters of law, the compensation is re-worked as under:

Heads	Compensation awarded (in Rs.)	Reasons
Medical Expenses	2,08,500/-	Actual medical bills strictly proved on record (Ex.PW3/7 to Ex.PW3/22).
Future Medical Expenses	1,00,000/-	Severe head/brain injuries typically require prolonged follow-up, future medication, and care.
Pain and suffering	2,00,000/-	For 6.5 months of hospitalization and brain surgery, Rs.60,000 is extremely meager
Loss of Amenities & Enjoyment of Life	1,00,000/-	The Tribunal entirely skipped this non-pecuniary head. A 65 year old suffering a depressed frontal fracture will have a severe reduction in the quality of life and inability to perform daily routines.
Attendant charges	50,000/- (5000X10 months)	6.5 months of hospitalization and post discharge care.
Special diet	75,000/-	Head trauma and prolonged hospitalization require a protein-rich/special diet for recovery.
Conveyance/Transportation	30,000/-	
Loss of Income during treatment (Ld. Tribunal has clubbed this head with	32,500/-	65 year old homemaker -Taking the minimum wage of an unskilled worker in



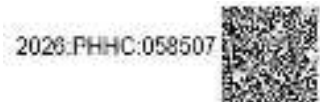
attendant charges)		Haryana in 2012 (approx. Rs.5,000/- per month) x 6.5 months of absolute bed rest/hospitalization.
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FAO No.3311 of 2015

10. The claim petition pertains to death of Gurpreet Kaur, who lost her life at the age of 35 years. She was a home-maker. Her income is notionally assessed as Rs.10,000/- per month. In the light of ratio of law laid down by Supreme Court in the case of **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, (2009) 6 SCC 121, National Insurance Company Limited vs. Pranay Sethi and others, (2017)16 SCC 680** and **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram and others – Civil Appeal No.9581 of 2018, decided on 18.09.2018**, the compensation is re-worked as under:

Heads	Compensation awarded (in Rs.)	Reasons
Monthly notional income	10,000/-	(No deduction as she was home-maker)
Annual Income	Rs.1,20,000/-	Total loss of Income
Multiplier	16	Applicable mutiplier for age 35 [as per Sarla Verma’s case (supra)]
Total Loss of Dependency	19,20,000/-	Annual Income x 16 [as per Sarla Verma’s case (supra)]
Loss of Love & Affection	48,400/- to each of the claimants	Standard fixed amount as per Pranay Sethi’s case (supra)
Loss of Estate	Rs.18,000/-	Standard fixed amount as per Pranay Sethi’s case
Funeral Expenses	Rs.18,000/-	Standard fixed amount as per Pranay Sethi’s case

11. The instant appeals are disposed off accordingly.



- 12. Needless to say, anything paid to the appellants/claimants shall be set off.
- 13. Pending application, if any, shall also stand disposed off.
- 14. A copy of this order be kept on the files of other connected cases.

March 09, 2026			(Pankaj Jain)
Dpr			Judge
	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No