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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****FAO-7577-2016 (O&M)****Date of Decision : 12.02.2026**

Rahul Yadav

... Appellant(s)

Versus

Ratan Singh & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ritender Rathee, Advocate for the appellant.

Mr. Harjinder Singh, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the injured-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as 'Tribunal') vide the impugned award dated 22.07.2016 in a motor vehicle accident which occurred on 24.01.2015.

2. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

3. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Medical Bills	₹6,74,000/-
2	Pain and suffering	₹60,000/-
3	Attendant charges	₹5,000/-
4	Special diet	₹5,000/-
	Total Compensation	₹7,44,000/-
	Interest	7.5% per annum

4. Learned counsel for the claimant-injured-appellant would contend that while assessing the compensation, the Tribunal has not taken into account the permanent disability suffered by the claimant-injured-appellant qua his eye. It is further the contention of the learned counsel that as per the Disability Certificate (Ex.P6), the permanent disability suffered by the claimant-injured-appellant is 43% qua the eye. It is further the contention of the learned counsel that the claimant-injured-appellant sustained grievous injuries and remained admitted in hospital from 24.01.2015 to 11.02.2015, hence, the non-pecuniary compensation awarded under the heads pain and suffering, attendant charges and special diet is on the lower side.

5. *Per contra* the learned counsel for respondent No.3-Insurance Company would contend that no treating doctor of Park Hospital, Gurgaon was examined to state the injuries which were suffered by the claimant-injured-appellant. It is further the contention of the learned counsel that in the discharge summary (Ex.P14) there is no injury to the eye which has been mentioned. It is further the contention of the learned counsel that in the absence of any injury to the eye even remotely stated in the discharge summary, the disability certificate has rightly not been relied upon by the Tribunal. Learned counsel would further contend that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

6. I have heard the learned counsel for the parties.

7. In the present case the discharge summary of Park Hospital, Gurgaon (Ex.P14) where the claimant-injured-appellant was admitted reveals that he was admitted on 24.01.2015 and was discharged on 11.02.2015. He was diagnosed with “*RTA, Head injury (diffuse axonal injury), Multiple*

fracture, fracture femur and fracture humerus and dislocation of right condyle of mandible sepsis” and the procedure undergone was “femur ORIF with nailing with debridment of arm with POP slab Primary repair of multiple facial laceration”.

8. The argument of the learned counsel for the claimant-injured-appellant that the disability certificate (Ex.P6) has been ignored by the Tribunal while assessing the compensation cannot be accepted inasmuch as the treating doctor of Park Hospital, Gurgaon was never examined. The discharge summary which has been placed on record as Ex.P14 itself does not refer to any injury to the eye. The disability certificate (Ex.P6) has been issued from the office of Civil Surgeon, Gurgaon. Dr. Priya Sharma, who stepped into the witness box as PW2 to prove the disability certificate (Ex.P6) also stated that the disability of the eye prior to the date of accident could not be ruled out. She also could not state as to whether vision impairment was due to the accident or not. Learned counsel for the claimant-injured-appellant has not been able to co-relate the eye injury of the claimant-injured-appellant to the accident in question from the evidence produced on the record. The medical bills as produced have all been accepted and the amount awarded under the head medical bills is ₹6,74,000/-.

9. The argument of the learned counsel for the claimant-injured-appellant that the non-pecuniary compensation awarded under the heads pain and suffering i.e. 60,000/-, attendant charges i.e. ₹5,000/- and special diet i.e. ₹5,000/- is on the lower side deserves to be accepted. The claimant-injured-appellant in the present case remained admitted in Park Hospital, Gurgaon from 24.01.2015 to 11.02.2015 and was also surgically treated. He had multiple fractures, fracture of femur and fracture of humerus and dislocation

of right condyle of mandible, sepsis. In view of the long period of hospitalization and the injuries suffered by the claimant-injured-appellant, this Court deems it appropriate to enhance the non-pecuniary compensation awarded by the Tribunal under the head pain and suffering as ₹2,00,000/- and under the head special diet as ₹20,000/-. The Tribunal has only awarded an amount of ₹5,000/- towards attendant charges. The claimant-injured-appellant remained admitted in hospital from 24.01.2015 to 11.02.2015 (19 days) and he would have required two attendants. The minimum wage of an unskilled worker at the relevant point of time was ₹5,812/- per month, hence, an amount of ₹11,624/- is awarded towards attendant charges for a month (₹5,812 x 2 x 1). The amount of ₹6,74,000/- awarded by the Tribunal towards medical expenses is not in dispute and the same is accordingly maintained. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Medical Bills	₹6,74,000/-
2	Pain and suffering	₹2,00,000/-
3	Attendant charges	₹11,624/-
4	Special diet	₹20,000/-
	Total Compensation	₹9,05,624/-
	Interest	7.5% per annum

10. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.
11. In view of the decision by the Hon’ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account of the claimant

within six weeks from today. The particulars of the bank account alongwith the requisite documents in support thereof shall be furnished by the claimant to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

12. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal stands modified accordingly. Pending applications, if any, also stand disposed off.

12.02.2026
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO