



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

FAO-1919-2018 (O&M)
Date of Decision: April 30, 2026

Sajjan

...Appellant

VERSUS

Mainpal and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.V.K.Sheoran, Advocate
for the appellant.

Mr.Punit Jain, Advocate
for respondent No.3.

ARCHANA PURI, J.

The present appeal has been filed by the appellant-claimant, thereby seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, on account of injuries sustained by him, in a motor vehicular accident.

Suffice to consider that the accident had taken place on 13.06.2015, on account of driving of the vehicle bearing registration No.HR-61B-4723, in a rash and negligent manner by its driver, respondent No.1-Mainpal and it caused injuries on the person of appellant-claimant.

Furthermore, while considering the evidence on record, learned Tribunal had concluded that appellant-claimant, immediately after the accident, was shifted to Civil Hospital, Bhiwani, where from, he was further



referred to PGIMS, Rohtak, where he remained admitted from 13.06.2015 to 21.06.2025 and again, he got admitted in PGIMS, Rohtak from 26.11.2015 to 06.12.2015.

However, no evidence, with regard to any disability suffered by the appellant-claimant, as such, had come on record. The medical record, relating to admission of appellant-claimant, twice in the hospital, had been proved as Ex.P5 and Ex.P6.

Considering it to be a case of multiple injuries, learned Tribunal had worked upon the compensation, which is reproduced in tabular form:-

Pain and suffering	Rs.30,000/-
Attendant charges	Rs.20,000/-
Special diet	Rs.10,000/-
On account of transportation bills Mark 38 to Mark 52	Rs.35,000/- (rounded off)
On account of medical bills Mark 1 to Mark 37 and Mark 53	Rs.1,90,000/- (rounded off)
Loss of income for 3-4 months	Rs.30,000/-
Total	Rs.3,15,000/-

Not satisfied with the extent of compensation awarded, the appellant-claimant had filed the present appeal.

Be it noted that no appeal, as such, has been filed by any of the respondents, who were fastened with the liability to pay the compensation.

Before proceeding further, it is pertinent to mention that in the matters of determination of compensation, the Tribunals/Courts are statutorily bound with the responsibility of fixing ‘**just**’ compensation. It is obviously true that determination of ‘**just**’ compensation, cannot be equated to bonanza, but at the same time, it ought not to be a niggardly amount. The concept of ‘**just compensation**’ obviously suggest an application of fair and equitable principles and reasonable approach, on the part of



Tribunals/Courts. However, the measures have to be applied proportionately.

Adverting to the case in hand, it is pertinent to mention that the appellant-claimant was 38 years old, at the relevant time and he had sustained multiple injuries. It is pleaded case of the appellant-claimant that he was an agriculturist and also running a milk dairy. The appellant-claimant himself stepped into witness box and his sworn testimony, in the form of affidavit is Ex.PW1/A. He has categorically deposed about the manner of taking place of the accident and having sustained multiple grievous injuries on various parts of the body. He also deposed about himself to be having taken to General Hospital, Bhiwani, at first instance, where from, he was admitted as indoor patient in PGIMS, Rohtak from 13.06.2015 to 21.06.2015. During his period of admission, he was treated and operated upon. Then, later on, he was again admitted in PGIMS, Rohtak from 26.11.2015 to 06.12.2015.

In the affidavit, the said witness-claimant had also stated that he had suffered permanent disability and that he was an agriculturist by profession and also running a milk dairy. The record, with regard to his admission in the hospital has been proved as **Ex.P5** and **Ex.P6**.

No doubt, no doctor, as such, has been examined to prove this medical record, but however, suffice to consider the detail of the diagnosis made by the doctors, as evident from the medical record. It states about the multiple injuries received by the appellant i.e. '**M. Injury with trauma abdomen**'. Further, it was stated that he was operated upon with '**C RPD C Pelvic drain with situ by SR on duty**'. Also, from Ex.P5, it is evident that shoulder brace was applied, **Pelvic skin fracture applied, fracture left**



clavicle. Likewise, Ex.P6 also states about the appellant-claimant to have been again admitted in hospital and he was diagnosed with **PFUDD i.e. Posterior Pelvic Fracture Urethral Distraction Defect.** For this, **Anastomotic Urethroplasty** was done. **PFUDD is a severe, often debilitating urologic injury, resulting from pelvic fractures that severs the urethra from the bladder.** This ailment commonly causes **urinary retention and strictures.** For this ailment, **definitive treatment is anastomotic urethroplasty.** It is usually performed 3-6 months post-injury to reconnect the uthera.

The case summary as detailed in Ex.P5 reveals that the patient had ***history of Pelvic fracture, inability to pass urine as well as PFUDD and exp. Laparatomy with SPC and Anastomotic urethroplasty*** was done on 27.11.2015. As such, it is evident that the appellant-claimant had undergone an operation, on account of injuries sustained in the accident in question, relating to which, he had urethral problem also.

In view of the extent of injuries, the compensation worked upon by learned Tribunal, do call for enhancement.

Considering the age of the appellant-claimant as well as his vocation and also considering the period of his admission in the hospital twice and undergoing operations, it is quite obvious that the appellant-claimant must not have been able to pursue his vocation, at least, for a period of six months. Taking it to be so and considering the vocation followed by the appellant-claimant, for the loss of earnings, an amount of **Rs.60,000/-** is awarded. The compensation of **Rs.35,000/-**, on the count of ‘transportation’ and an amount of **Rs.1,90,000/-**, on the count of ‘medical



expenses’, have been appropriately awarded by learned Tribunal.

Further, on the count of attendant charges, an amount of Rs.20,000/- had been awarded, but however, looking at the kind of treatment undergone by the appellant-claimant, the same calls for enhancement. The appellant-claimant must have been looked after by a by-stander/attendant throughout. Even if, the appellant-claimant was being looked after only by his family members, then also, it should be noted that they could perform the role of care-giver, only by diverting their own time, from any form of gainful employment, which could have generated some income. Thus, on the count of ‘attendant charges’, the amount of compensation stands enhanced to **Rs.50,000/-** is granted.

Considering the kind of injuries, of course, the appellant-claimant must have been put on special rich diet, for the healing process. On this count also, the amount of Rs.10,000/- awarded by learned Tribunal stands enhanced to **Rs.20,000/-**.

Looking at the kind of injuries sustained, the appellant-claimant ought to have passed through a very traumatic state of mind, while undergoing treatment. Considering the same, on the count of ‘pain and suffering’, the compensation stands enhanced to **Rs.50,000/-** from Rs.30,000/-.

Thus, on the various counts, the compensation ought to be granted to appellant-claimant-Sajjan, is re-computed as herein given:-

1.	Loss of earnings	Rs.60,000/-
2.	Transportation charges	Rs.35,000/-
3.	Medical Bills	Rs.1,90,000/-
4.	Attendant charges	Rs.50,000/-



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5.	Special diet	Rs.20,000/-
6.	Pain and suffering	Rs.50,000/-
	Total	Rs.4,05,000/-

As such, the compensation, so awarded by learned Tribunal, stands enhanced from **Rs.3,15,000/-** to **Rs.4,05,000/-**.

Accordingly, the impugned Award dated 25.09.2017 stands modified, to the extent, as indicated aforesaid. The remaining terms of the impugned Award, shall remain the same.

With the above observations, the present appeal stands allowed.

April 30, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No