

2026.PHHC.011543

**FAO-6646-2018 (O&M)**

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

FAO-6646-2018 (O&M)**Date of decision : 15.01.2026**

SANDEEP KUMAR

....Appellant

Versus

NAWAB ALI AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Kunal Phogat, Advocate
for the appellant.

Mr. Rajesh Verma, Advocate
for respondent No.3-Insurance Company.

PANKAJ JAIN, J. (ORAL)**CM-23088-CII-2018 in FAO-6646-2018**

This is an application seeking condonation of delay of 127 days
in re-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
127 days in re-filing the instant appeal is hereby condoned.

FAO-6646-2018 (O&M)

Claimants are in appeal seeking enhancement of compensation
awarded by MACT, Karnal.

2026.PHHC.011543

**FAO-6646-2018 (O&M)**

2. The claim petition filed under Section 166 of the Motor Vehicles Act, 1988 relates to injured Sandeep Kumar, who got injured in a motor-vehicular accident on 03.07.2016. As per the claimant, although he incurred substantial expenses on hospitalization and other heads, the Tribunal assessed and awarded a much lesser amount as compensation.

3. Tribunal assessed compensation, observing as under:

“28. Keeping in view above said guidelines and facts of MACP (CIS) No.538 of 2016 titled “Sandeep Kumar Versus Nawab Ali and others”, it is observed that in terms of oral testimony of PW-1 Sandeep Kumar (injured-petitioner) coupled and documentary proof, it is quite evident that petitioner Sandeep Kumar took treatment from Gulati Hospital, Yamuna Nagar, where he remained admitted w.e.f. 3.7.2016 to 13.7.2016, as the same is evident from Hospital Bill (Ex.P-7). PW-1 Sandeep Kumar (injured-petitioner) has categorically stated that after the accident, he was shifted to KCGMC Hospital, Karnal, and thereafter he took treatment from Arvind Hospital, Karnal, and then he was got admitted in Gulati Hospital, Yamuna Nagar, and further prior to accident while employed as Ward Boy in Gulati Hospital, Yamuna Nagar, he used to earn ₹20,000/- per month. However, petitioner Sandeep Kumar has failed to produce on record any documentary proof regarding his profession and income therefrom. In view of period of hospitalization for treatment of multiple injuries sustained by petitioner Sandeep Kumar in the accident in question, it can be conveniently held that petitioner

**FAO-6646-2018 (O&M)**

Sandeep Kumar was unable to do any kind of work for at least two months. In this scenario, petitioner Sandeep Kumar is entitled to get compensation of ₹20,000/- in lump-sum on account of loss of earning. On account of treatment of injuries sustained in the accident, petitioner Sandeep Kumar took treatment from Gulati Hospital, Yamuna Nagar, thus, on account of prolonged treatment, admittance in hospital and purchase of medicines etc., he has already incurred a sum of ₹40,665/- as the same is evident from Bill-cum-Receipt and Cash Memos (Ex.P-1 to P-7), thus, he is entitled to get reimbursement of amount of ₹40,665/- as compensation. During the course of treatment which remained prolonged one, petitioner Sandeep Kumar must have taken special diet, thus, he is entitled to get compensation of ₹5,000/- on that count. Since petitioner Sandeep Kumar is resident of Yamuna Nagar and he took treatment from Karnal and Yamuna Nagar, thus, he must have incurred expenditure on conveyance, in this view of the matter, he is entitled to get compensation of ₹5,000/- in respect of conveyance charges. Petitioner Sandeep Kumar remained admitted in Gulati Hospital, Yamuna Nagar, w.e.f. 3.7.2016 to 13.7.2016, thus, he must have taken the services of attendant for at least one month, in this scenario, he is entitled to get compensation of ₹2,500/- on that count. Besides that on account of mental and physical shock, pain and sufferings and loss of enjoyment of life, in this view of the matter, petitioner Sandeep Kumar is entitled to get compensation amounting to ₹10,000/-. In this manner, total

2026.PHHC.011543

**FAO-6646-2018 (O&M)**

compensation in respect of petitioner Sandeep Kumar with regard to injuries sustained by him in the accident in question, works out to be ₹83,165/- rounded off to ₹83,200/-.”

4. In the considered opinion of this Court, the compensation assessed by the Tribunal, needs to be revisited. Consequently, the compensation on account of special diet, conveyance charges and attendant is increased to Rs.10,000/- under each head and that under the head of pain and sufferings and loss of enjoyment of life is increased to Rs.1,00,000/-.
5. With the aforesaid modification/substitution in the impugned award, the present appeal is disposed off.
6. Needless to say, the interest part shall abide by the observations made by Tribunal in the Award.
7. Pending application, if any, shall also stands disposed off.

January 15, 2026
ashish

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No