



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

FAO-4973-2025 (O&M)
Date of Decision:26.05.2026

SHIMBHU DAYAL

...APPELLANT

Versus

HANNAN AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Neeraj Yadav, Advocate
for the appellant (through VC)

PARMOD GOYAL, J. (ORAL)

CM-10854-CII-2026

For the reasons stated in application under Order XLI Rule 9 CPC, 1908 read with Section 151 seeking restoration of main appeal, dismissed in default vide order dated 04.05.2026, is allowed.

Appeal is restored back to its actual number.

Main case

Arguments heard.

2. Present first appeal has been preferred by injured appellant/claimant being aggrieved by the impugned award dated 02.03.2021, passed by learned Motor Accident Claims Tribunal, Rewari (hereinafter referred to as 'Tribunal') vide which compensation of Rs.9,62,152/- was awarded on account injuries suffered by him in motor vehicular accident dated 31.10.2018, caused due to the rash and negligent driving of respondent No.1 while driving Truck bearing registration No.RJ-14GJ-9779.

3. Learned Tribunal had awarded following compensation to the injured appellant/claimant:

Medical Expenses	Rs.7,56,352/-
Attendant charges	Rs.20,000/-
Pain and Sufferings	Rs.1,00,000/-
Special diet	Rs.50,000/-
Transportation expenses	Rs.10,000/-
Loss of income	Rs.25,800/-
Total compensation awarded	Rs.9,62,152/-

4. It is the case of injured appellant/claimant that learned Tribunal ought to have granted higher compensation under all the heads as all the bills/expenses incurred by injured appellant/claimant could not be proved strictly in Court proceedings and the Tribunal ought to have applied some guess work in awarding the compensation.

5. However, in the present case, all the bills amounting to Rs.7,56,352/- have been awarded to the appellant-claimant by learned Tribunal without any deduction. Admittedly, in the present case, no permanent injury was suffered by injured appellant/claimant. He had remained admitted in hospital from 01.11.2018 to 18.11.2018 and after considering nature of injuries, period of hospitalization, the learned Tribunal has rightly awarded compensation of Rs.1,00,000/- towards pain and sufferings. Similarly, amount of Rs.50,000/- towards special diet, Rs.20,000/- towards attendant charges and Rs.10,000/- towards transportation charges have already been awarded to the appellant-claimant by learned Tribunal without there being any material on record except for oral assertions regarding amount spent by injured appellant/claimant under these heads.

6. Learned Tribunal has already presumed the expenses incurred

by injured appellant/claimant. I find no error in the approach of the learned Tribunal wherein loss of income during treatment i.e. for three months has been taken on the basis of minimum wages prevalent at the time of accident, as there is no material on record to show that appellant/claimant was earning income of Rs.40,000/- as pleaded by injured appellant/claimant. Injured appellant/claimant has claimed that he was earning Rs.40,000/- by doing agricultural work on 25 acres of land. However, no material to justify income of Rs.40,000/- per month has been placed by injured appellant/claimant except for self-serving oral statement. Neither ownership record nor lease deeds or any documentary evidence regarding possession of 25 acres as claimed by injured appellant/claimant has been proved.

7. In these circumstances, specially when injured appellant/claimant had remained admitted for 18 days in hospital, the period of three months time taken towards recovery cannot be held to be insufficient. In the present case, learned Tribunal has awarded compensation in a very liberal manner. The compensation so awarded is just and sufficient compensation and no enhancement is justified and accordingly, present appeal is dismissed.

8. Pending application(s), if any, stand disposed of.

26.05.2026
Ravinder

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No