



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

FAO-10670-2018(O&M)
Date of decision: 10.02.2026

Khurshid

... Appellant

Versus

Hannan Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Ashish Gupta, Advocate,
for the appellant.

Mr. Munfaid Khan, Advocate,
for respondent No.1.

Mr. Vinod Gupta, Advocate,
for respondent No.3-Insurance Company.

VIKRAM AGGARWAL, J. (ORAL)

The instant appeal seeks enhancement in compensation awarded by the Motor Accident Claims Tribunal, Mewat (for short "the **MACT**"), vide award dated 23.01.2018.

2. The appellant (claimant) instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as '**the MV Act**'), for the grant of compensation of Rs.15,00,000/- on account of the injuries sustained by him in a motor vehicular accident, which took place on 21.04.2016.

3. It was claimed that on 21.04.2016, the appellant along with Ayyub, Hamid and Issar was going to Gurgaon from Ferozepur-Jhirka for business purpose in Pick-up vehicle bearing registration No.RJ-05GA-8893.

The driver of the said vehicle, i.e. respondent No.1 (Hannan Singh) had



started from Ferozepur Jhirka at 11:30 pm. He was driving the said vehicle rashly, negligently and at a high speed. He was asked by the appellant and other persons to slow down but he did not pay any heed to their requests. While crossing a motorcyclist near Village Mohammadbass from the wrong side, he lost control of the vehicle, as a result of which the vehicle turned turtle. The appellant suffered multiple and grievous injuries on his left leg and other parts of the body. He was taken to Mandikhera Hospital for treatment from where he was referred to SHKM, GMC, Nalhar. Thereafter, for further treatment, he remained admitted in Sheetal Hospital, new Sohna road, Palwal from 23.04.2016 to 27.04.2016. FIR No.91 dated 22.04.2016, under Sections 279 and 337 IPC, was registered at Police Station Ferozepur Jhirka.

4. Compensation of Rs.15,00,000/- was claimed by the appellant alleging that he had suffered grievous injuries and fracture and had spent a sum of Rs.2,00,000/- on his treatment and transportation. His age was claimed to be 50 years and earning Rs.9,000/- per month as he was a Labourer.

5. The claim petition was opposed by the respondents. Respondent No.1 raised certain preliminary objections in the written statement and denied all averments made in the claim petition. A similar stand was taken by the owner of the offending vehicle, who also denied the factum of the accident.

6. The insurance company raised its regular defences and denied all averments.



7. From the pleadings of the parties, the following issues were framed:-

- “1. Whether accident dated 21.4.2016 resulting in injuries to Khurshid, occurred on account of rash and negligent driving of Pick Up No. RJ-05GA-8893 by respondent No.1? OPP
- 2. Whether petitioner is entitled to compensation on account of injury suffered by him, if so, to what extent? OPP
- 3. Whether driver of offending vehicle was not holding a valid and effective driving licence on the date of accident and the vehicle was being driven in violation of terms and conditions of the Insurance Policy? OPR3
- 4. Relief.”

8. Parties led their respective evidence.

9. The MACT partly allowed the claim petition and awarded a sum of Rs.91,659/- as total compensation. The permanent disability suffered by the appellant was 5% and functional disability assessed by the MACT was 2%. The details of the compensation awarded by MACT under different Heads are as under:-

Sr. No.	Heads of Claim	Amount (in Rupees)
1	Age	50 years
2	Income	7,650/- per month
3	Multiplier	13
4	Loss of future earning (considering disability @ 2%)	23,868/- (153/- per month)
5	Pain and suffering	10,000/-
6	Service of attendant, transportation and diet	5,000/-



7	Medical bills	52,791/-
Total		91,659/-

10. Aggrieved by the aforesaid compensation awarded, the instant appeal has been preferred.
11. I have heard learned counsel for the parties.
12. Learned counsel for the appellant submits that the MACT erred in assessing compensation on lower side. He submits that the Medical Board had assessed the permanent disability at 5%, whereas the functional disability was erroneously assessed by the MACT at 2%. He also submits that inadequate compensation was granted for pain and suffering, attendant charges, diet etc. and no amount was granted for loss of earning during the period of injuries.
13. Per contra, learned counsel representing the Insurance Company submits that the compensation awarded by the Tribunal is adequate and does not call for any enhancement.
14. I have considered the submissions made by learned counsel for the parties.
15. Insofar as functional disability is concerned, the Medical Board assessed the permanent disability at 5% on account of post traumatic operated case of fracture of shaft of left humerous with mild restriction of movements in left elbow joint. The disability certificate was produced on record as Ex.P1. PW2 Dr. Naseem Ahmed, Medical Officer, MBBS MS (Ortho) Civil Hospital, Mandikhera, stated that the disability pertained to a particular limb only and was not for the whole body and chances of



reduction in the same were 1% with very good physiotherapy/passage of time.

16. The MACT assessed the functional disability at 2%. In the considered opinion of this Court, there is no error in the said finding, as the functional disability has to be assessed keeping in mind various factors. Notably, the disability was pertaining only to a particular limb and was not pertaining to the whole body. Further, there would be no impediment for him to carry out his avocation in future as well, barring the stiffness etc. which of course he will have to bear with for the rest of his life. Accordingly, not much change can be made in the said functional disability. As regards the compensation awarded on account of pain and suffering, attendant charges etc., instead of going into calculations under different heads, this Court deems it appropriate to award a lump sum amount of Rs.1,00,000/- over and above the amount assessed by the MACT, as the enhanced compensation in the instant case. The liability to pay the said amount shall be as per the award.

17. The instant appeal is accordingly disposed of.

18. Pending application(s), if any, also stands disposed of.

(VIKRAM AGGARWAL)
JUDGE

February 10, 2026

Rajan

Whether speaking / reasoned:
Whether Reportable:

Yes/No
Yes/No