

2026:PHHC:069745



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

117

FAO-7170-2025
Date of decision :05.05.2026

SHIV BAHADUR SINGH (SINCE DECEASED) THORUGH LRS

... APPELLANT

VERSUS

ARVIND KUMAR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rajiv Kumar Saini, Advocate
for the appellant.

Mr. Punit Jain, Advocate
for the respondent-Insurance Company.

PARMOD GOYAL, J. (ORAL)

1. The appellants-claimants are seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as ‘Tribunal’) vide impugned award dated 11.08.2025 on account of death of injured Shiv Bahadur Singh (hereinafter referred to as ‘deceased) whereby compensation amounting to Rs.1,24,256/- was awarded to the appellants-claimants.
2. The Tribunal had awarded following compensation to the claimant under various heads.

1.	Medical expenses	Rs. 66,256/-
2.	Pain & Suffering	Rs. 30,000/-
3.	Transportation	Rs. 5,000/-

4.	Special diet	Rs. 10,000/-
5.	Loss of Income	Rs. 3000/-
6.	Attendant	Rs. 10,000/-
	Total:	Rs. 1,24,256/-

3. In the present case, there is no challenge to the manner of the accident or the extent of injuries sustained by the deceased. The learned Tribunal has rightly held that the deceased suffered injuries in the accident dated 26.01.2020, which was caused by the respondent–driver while driving the tractor, New Holland bearing registration No. HR-33-B-8344 (hereinafter referred to as ‘offending vehicle’).

4. In view of the fact that there is no dispute regarding the manner of the accident, the detailed facts relating thereto are not being adverted to for the sake of brevity.

5. Perusal of the evidence on record reveals that the appellant-claimant had duly proved the nature of injuries sustained by him in the accident. The C.T. Scan shows frontal bone fracture and a frontal calcified granuloma. The claimant has also successfully proved the medical expenses incurred during treatment, to the extent of ₹49,200/-, as proved by the hospital bill Ex. P-4. Additionally, the claimant placed on record and proved medicine bills amounting to ₹17,056/-, vide Ex. P-18 to Ex. P-39.

6. The learned Tribunal, after due consideration, has awarded the entire amount proved on record by the claimant towards medical treatment. No grievance has been raised by learned counsel for the appellants-claimants under this head. So far as compensation under the heads of transportation charges to the extent of ₹5,000/-, special diet to the extent of ₹10,000/-, and attendant

charges to the extent of ₹10,000/- are concerned, the same are found to be just and sufficient, keeping in view the nature of injuries, period of hospitalization, and the time taken for recovery.

7. However, I find that the compensation awarded towards loss of income to the extent of ₹3,000/- for six days is not justified and needs enhancement. As noted from the medical record, the deceased had suffered a fracture of the frontal bone. A fracture ordinarily takes at least eight weeks to heal, and therefore, it can be reasonably held that the deceased remained out of work/earning for at least three months. The minimum wages prevalent in the year 2020 were approximately ₹9,000/- per month. Accordingly, taking minimum wages as the income of the deceased, the loss of income during the period of treatment is assessed at ₹27,000/-, which is hereby awarded.

8. Similarly, the compensation awarded under the head of pain and sufferings also deserves enhancement to ₹40,000/- instead of ₹30,000/-, keeping in view the nature of injuries and period of hospitalization.

9. Reworked compensation payable to appellant-claimant is as under:-

Loss of income during treatment	Rs 9,000/- x 3	Rs. 27,000/-
Pain and sufferings	Rs. 30,000/- (by Tribunal)	Rs. 40,000/-
Medical expenses	Rs. 66,256/- (by Tribunal)	Rs. 66,256/-
Special diet, transportation and attendant charges	Rs. 25,000/- (by Tribunal)	Rs. 25,000/-
Compensation awarded by Tribunal	Rs. 1,24,256/-	
Compensation awarded in appeal		Rs. 1,58,256/-
Enhancement of compensation	Rs. 1,58,256/- (awarded in appeal) – Rs.1,24,256/- (awarded by Tribunal)	Rs. 34,000/-

10. The appellants-claimants are, therefore, held entitled to an additional enhanced compensation of ₹34,000/- over and above the amount awarded by the learned Tribunal. The appellant shall also be entitled to 7.5% interest per annum on the enhanced amount from the date of filing of the claim petition till realization. The liability to pay compensation shall be as per award.
11. The appeal is accordingly allowed in the above terms.
12. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

05.05.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No