IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3781-2001 (O&M)

1.	Judgment reserved on	13.07.2026
2.	Judgment pronounced on	16.07.2026
3.	Judgment uploaded on	16.07.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced.	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Nil

SURENDER SINGH ..... APPELLANT

VERSUS

VIJAY SINGH AND OTHERS .....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Argued by: Mr. Uday Vij, Advocate for
Mr. Sanjay Vij, Advocate
for the appellant.

Respondent No.1 ex parte vide order dated 13.07.2026.

Respondent No.2 ex parte before the Tribunal.

Mr. D.R. Bansal, Advocate with
Ms. Anjali Bansal, Advocate
for respondent-Insurance Company.

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YASHVIR SINGH RATHOR, J. (Oral)

1. This appeal has been instituted by the claimant for enhancement of compensation against the Award dated 09.02.2001 passed by Motor Accident Claim Tribunal, Gurgaon (**for short**

"Tribunal") in MACT Case No.54 of 18.07.1997 in a petition under Section 166 of Motor Vehicles Act, 1988 vide which a sum of Rs.1,10,000/- has been awarded as compensation to the claimant/appellant along with interest @ 12% per annum on account of injuries suffered by him in a motor vehicular accident which took place on 18.11.1996, due to rash and negligent driving by respondent No.1, while driving the Jeep bearing No.DL-2CF-0334 **(for short 'offending vehicle')**, which was owned by respondent No.2 and insured with respondent No.3.

2. From the pleadings of parties, following issues were framed by the learned Tribunal:-

> *"1) Whether the motor vehicle accident that occurred on 18.11.96 is an outcome of rash and negligent driving of jeep No.DL-2CF-0334 by respondent No.1? OPP.*
>
> *2) Whether the petitioner is entitled to compensation for the injuries be suffered in the aforesaid accident. If so, in what amount? OPP.*
>
> *3) Whether respondent No.3 is entitled to repudiate the contract of insurance on the grounds alleged? OPP.*
>
> *4) Relief."*

3. Thereafter, the parties led evidence in support of their case.

4. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.1,10,000/- as compensation to the claimant, on account of injuries suffered by him along with interest @ 12% per annum from the date of filing of claim

petition till realization. However, Insurance Company was exonerated of its liability to pay compensation to the claimant on account of breach of terms and conditions of the Insurance Policy as driver did not possess a valid and effective driving licence. However, the Insurance Company was directed to pay the amount to the claimant and was given a right to recover the same from the insured and respondents No.1 and 2 have been liable to pay the compensation.

5. Feeling aggrieved, the appeal in hand has been preferred. The material on file has been perused and parties have been heard.

6. The only issue required to be determined in the present appeal relates to the assessment of compensation. Therefore, the entire facts regarding the manner of the accident are not required to be reproduced in detail, as the Tribunal has already held under Issue No.1 that the accident had occurred due to the rash and negligent driving on the part of respondent No.1, while driving offending vehicle, which was owned by respondent No.2 and insured with respondent No.3. No appeal or cross-objections have been filed by the respondents, challenging the said finding and accordingly, finding on issue No.1 is not required to be interfered with and the same is affirmed.

7. Learned counsel for the appellant argued that the Tribunal has not appreciated the facts of the case and evidence on file in the correct perspective while assessing the compensation which is grossly inadequate. The claimant had suffered 20% permanent disability and he has been awarded a total compensation of Rs.1,10,000/- for disability,

pain and suffering, mental agony, medical expenses and future loss etc. Learned counsel further argued that adequate compensation has not been awarded under pecuniary and non-pecuniary heads and same is liable to be suitably enhanced. In support of his contentions, learned counsel for the appellant has relied upon 2014 (1) RCR (Civil) 914 **Sanjay Verma Vs. Haryana Roadways,** 2009(6) SCC 121 **Sarla Verma and others Vs. Delhi Transport Corporation and Another** and 2017 (16) SCC 680 **National Insurance Co. Ltd Vs. Pranay Sethi and Others**.

8. On the other hand, learned counsel for respondent No.3 argued that the award in question is well reasoned and justified. The material on file has been appreciated in the correct perspective while assessing the compensation and no interference in the same is thus called for.

9. The law is well settled that the compensation to be awarded for injuries suffered by victim in a motor vehicular accident should be just and equitable. Courts have consistently held that while money cannot erase the pain, suffering, or trauma but it is the only legal means to provide restitution and restore the victim to his previous position as far as possible for which 'just compensation' has to be assessed. It is also well settled that while it is impossible to fully compensate for the loss of limb, life, or quality of life, the compensation must be 'Just', meaning thereby, that it should be fair, reasonable, and equitable based on the evidence and not merely a 'Windfall' or a 'Pittance'. The core objective is to put the injured/victim in the same position he would have been if the accident

had not taken place, to the extent money can do so. This approach ensures that the law provides a realistic recompense for the trauma endured, rather than just providing normal relief.

10. Hon'ble Supreme Court in 2013 (3) RCR (Civil) 934 - **G.Ravindranath @ R. Chowdary Vs. E. Srinivas and another**, has held that in a case of accident resulting in injuries to the victim, the compensation in personal injury cases should be determined under the following heads:-

Pecuniary damages (Special damages)

(i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing expenditure, food and miscellaneous

(ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:

(a) Loss of earning during the period of treatment;

(b) Loss of future earnings on account of permanent disability

(iii) Future medical expenses.

Non-pecuniary damages (General damages)

(iv) Damages for pain, suffering and trauma as a consequence of the injuries.

(v) Loss of amenities (and/or loss of prospects of marriage).

(vi) Loss of expectation of life (shortening of normal longevity).

In routine personal injury cases, compensation will be awarded under heads (i), (ii) (a) and (iv) It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant that compensation will be granted under any of the heads (ii) (b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life.

11. Claimant stepped into the witness box as PW2 and stated that he had suffered grievous injuries and permanent disability on account of injuries suffered by him in the accident. According to him, he was taken to General Hospital, Gurgaon where he remained admitted for one day and thereafter, he was referred to Medical College, Rohtak but he did not go to the said hospital and took treatment from Dr. Sethi at Gurgaon, who inserted a pin at the knee joint and had put his leg on traction. He was advised to keep himself on traction for three months and was discharged. However, his leg did not unite and after one and half year, he went to Safdarjang Hospital, where he was operated upon and a plate was affixed in his leg. He remained admitted in Safdarjang Hospital for seven days initially and fifteen days in second spell. As per his version, he has suffered 25% permanent disability as per disability certificate Ex.P2 issued by doctors of All India Institute of Medical Sciences, New Delhi in relation to physical impairment to his left lower limb. Learned Tribunal after going through the medical evidence including MLR on the file held claimant entitled to a sum of Rs.20,000/- on account of 'pain and

sufferings' which in my opinion is on lower side. The claimant had suffered grievous injures and was operated upon twice and implant was inserted. It is a matter of common knowledge that pain component in such injuries is enormous and such injuries take a long time to heal. Accordingly, claimant is held entitled to a sum of **Rs.25,000/-** on account of **'pain and sufferings'**.

12. Claimant had also examined Prem Chand, Orthopaedic Surgeon as PW3, who stated that claimant has suffered shortening of left leg by two and half inches. However, claimant while appearing as PW2 stated that his both legs are of equal size and as such, Tribunal thus rightly ignored the testimony of PW3 as petitioner/claimant did not claim that there is shortening of leg. There was a note in the disability certificate that the disability of 25% suffered by the claimant may reduce and Tribunal held permanent disability to be 20% and awarded him a sum of Rs.50,000/- as compensation in lump sum for future loss of income and enjoyment of life. However, the compensation under the head 'loss of income' has to be assessed keeping in view the percentage by which his earning capability has been diminished and by applying a suitable multiplier in view of law laid down by Hon'ble Supreme Court in 2010(4) PLR 242 **Yadava Kumar Vs. The Divisional Manager, National Insurance Company Limited**.

13. The accident had taken place on 18.11.1996. The Tribunal has held that the claimant was a fruit vendor and has assessed his income to be **Rs.3,000/-** per month, which has been rightly assessed by the

Tribunal and same does not call for any interference.

14. Claimant was 27 years of age on the date of accident as per the claim petition. Accordingly, 40% of amount has to be added to his monthly income towards future prospects in view of law laid down in **Sanjay Verma's case (supra)** and **Pranay Sethi's case (supra)** and after adding the same, his monthly income comes out to **Rs.4,200/- per month (Rs.3,000/- + Rs.1,200/-)**.

15. Claimant has suffered permanent disability to the extent of 20% and the monthly loss of income will thus come to **Rs.840/- (Rs.4,200/- X 20%)** and '**annual loss of income**' will come out to **Rs.10,080/- per annum (i.e. Rs.840/- X 12)**.

16. Claimant was 27 years of age and in view of law laid down in **Pranay Sethi's case (supra)** and **Sarla Verma's case (supra),** multiplier of 17 has to be applied which takes the compensation to **Rs.1,71,360/- (Rs.10,080/- X 17)** on account of '**loss of income**' due to permanent disability.

17. The Tribunal has also awarded a sum of Rs.10,000/- for the 'expenses incurred on the treatment' as per bills produced by him. However, it is matter of common knowledge that patients and their attendants do not preserve all the bills and some amount of guesswork has to be applied while assessing the expenses incurred on treatment and in view of long period of treatment, claimant is held entitled to a sum of **Rs.15,000/-** on account of **'expenses incurred on treatment'**.

18. Claimant has also been awarded a sum of **Rs.15,000/-** on account of **'loss of income'** during the treatment i.e. for a period of 5 months, which is just and adequate and same does not require any interference.

19. Besides this, claimant has also been awarded a sum of **Rs.15,000/-** as compensation on account of '**transportation**', '**special diet**' and for '**engaging an attendant**', which too is adequate and does not call for any enhancement.

20. Resultantly, the compensation to be awarded by this Court is assessed as under:-

Sr. No.	**Head**	**Compensation Assessed by this Court (₹)**
1.	Loss of future income due to permanent disability	1,71,360/-
2.	Pain & suffering	25,000/-
3.	Expenses incurred on treatment	15,000/-
4.	Transportation, Special diet, Attendant charges	15,000/-
5.	Loss of income during the period of treatment	15,000/-
	Total	**2,41,360/- (rounded off to Rs.2,41,500/-)**
	Interest	**9% per annum**

21. Resultantly, the appeal in hand is partly allowed with costs and appellant/claimant is held entitled to a sum of **Rs.2,41,500/-** as compensation. The enhanced compensation thus comes out to

Rs.1,31,360/- (Rs.2,41,500/- - Rs.1,10,000/-) which is rounded off to **Rs.1,31,500/-** over and above the compensation awarded by the Tribunal along with interest at the rate of 9% per annum from the date of filing of claim petition i.e. 18.08.1997 till realization.

22. Under issue No.3, the Tribunal held that driver did not possess a valid and effective driving licence and Insurance Company has been exonerated of its liability to pay compensation. However, it has been ordered that Insurance Company shall pay the amount to the claimant but shall have right to recover the same from the insured/owner and the enhanced compensation too shall be paid in the same terms. Accordingly, it is ordered that the enhanced amount of compensation shall be payable by Insurance Company and it shall be at liberty to recover the same from the insured along with interest @ 6% per annum from the date of deposit till realization without filing a separate suit.

23. Pending miscellaneous application(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

16.07.2026
Vishal Vardhan

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