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

FAO-4397-2017 (O&M)

Date of Decision : 19.08.2025

SUPINDER SINGH @ SAKINDER SINGH

.... Appellant

VERSUS

MAHINDER PAL & ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vipul Sharma, Advocate for the appellant.

None for respondents No.1 and 2 despite service.

Ms. Tanvi Aggarwal, Advocate for

Mr. Vikas Mohan Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

CM-13412-CII-2017

1. This is an application for condonation of delay of 30 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 30 days in filing the main appeal is condoned.

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3. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, SAS Nagar (Mohali) vide award dated 14.12.2016.

4. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal, are not being adverted to herein for the sake of brevity.

5. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Costs of treatment	₹29,462
2	Pain and suffering	₹30,000
	Total Compensation	₹59,462
	Interest	@ 6% per annum if amount is paid within two months. @ 9% in case the amount was not paid within two months

6. Learned counsel for the claimant-appellant (injured) would contend that though he does not dispute the amount of compensation of ₹29,462 awarded by the Tribunal towards medical expenses, however, he would contend that the amount awarded under the non-pecuniary head i.e. pain and suffering is on the lower side and that no amount had been awarded towards attendant charges, transportation and special diet. It is further the contention of the learned counsel that the claimant-appellant has suffered 10% permanent physical disability affecting his day-to-day working.

7. *Per contra*, learned counsel for appearing on behalf of respondent No.3-Insurance Company would contend that sufficient amount had already been awarded as compensation in the present case and that there is no scope of any enhancement.

8. Heard.

9. In the present case, admittedly, the claimant-appellant (injured) was 32 years of age at the time of the accident. Since the amount of ₹29,462 awarded by the Tribunal towards medical expenses is not in dispute, the same is maintained. So far as compensation under the non-pecuniary heads is concerned, the claimant-appellant has examined Dr. Sanjeev Kamboj, Medical Officer as PW-2 who proved on record the disability certificate of the claimant-appellant as Ex.P65 and further deposed that the patient was a treated case of fracture tibia left leg with stiffness in ankle and knee joint left side with restriction of movement of the said limb and his disability has been found to be 10% physical permanent in nature. This witness further deposed that this disability is a functional disability and will affect working capacity and that the patient of the above said injury requires the services of Physiotherapy for 3-6 months. There is no evidence contrary thereto. Admittedly, the claimant-appellant remained under hospitalization w.e.f. 22.07.2014 to 03.08.2014 and then from 08.11.2015 to 09.11.2015 i.e. for about a month for which he is entitled to be compensated. Accordingly, this Court deems it appropriate to compensate the claimant-appellant for loss of income for a period of one month i.e. ₹6,447 (minimum wages applicable for an unskilled worker at the relevant point of time). During the period of his hospitalization, the claimant-appellant must have required an attendant to take care of him and for that he is also entitled to be compensated. This Court deems it appropriate to award him attendant charges for a period of one month i.e. ₹6,447. So far as the amount of ₹30,000 awarded under the head pain and suffering is concerned, the same in the opinion of this Court is

on the lower side and accordingly the same is enhanced to ₹2,00,000. Further, this Court also deems it appropriate to compensate the claimant-appellant on account of transportation and special diet for which he is held entitled to ₹25,000.

10. The reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Loss of income for one month	₹6,447
2.	Pain and suffering	₹2,00,000
3.	Transportation and special diet	₹25,000
4.	Attendant charges for one month	₹6,447
5.	Medical bills	₹29,462
	Total compensation	₹2,67,356

11. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

12. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 AIR (SC) 1713]**, after calculation of the enhanced amount, the same be transferred by respondent No.3-Insurance Company in the bank account(s) of the claimant-appellant within a period of six weeks from today. The particulars of the bank account(s) along with the requisite documents in support thereof shall be furnished by the claimant-appellant to respondent No.3-Insurance company within a period of two weeks from today and needful shall be done by respondent No.3-Insurance Company after verification thereof within a

period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

13. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

19.08.2025

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*