



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

FAO-2594-2013 (O&M)

Date of Decision : 21.08.2025

Vikram

... Appellant(s)

Versus

Raj Narain & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ajit Sihag, Advocate for the appellant.

Mr. Sanjiv Pabbi, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the appellant aggrieved by quantum of compensation awarded vide the impugned award dated 20.11.2012 passed by the Motor Accident Claims Tribunal, Hisar (hereinafter referred to as 'Tribunal').

2. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

3. The appellant in the present case had approached the Tribunal for awarding compensation for a motor vehicle accident which took place on 08.06.2010. Vide the impugned award dated 20.11.2012, the Tribunal holding that the factum of the accident stood proved had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Amount towards grievous injuries	₹40,000/-
2	Medical bills/receipts	₹92,000/-
3	Attendant charges and special diet	₹20,000/-
4	Pain and suffering	₹20,000/-
5	Total Compensation	₹1,72,000/-
	Interest	7.5% per annum

4. Learned counsel for the appellant would contend that a meagre amount of ₹40,000/- has been paid for the grievous injuries received by the appellant. It is further the contention of the learned counsel that no amount has been awarded for his loss of income as well as towards transportation charges. Even the compensation awarded towards pain and suffering as well as attendant charges and special diet is also on the lower side. Learned counsel has referred to the statement of PW1 – Dr. Shantanu Rawat – Medical Officer, Jindal Hospital, Hisar as also to the discharge summary which was produced on record as Ex.P2 to contend that multiple injuries were received by the appellant including head injury and he remained admitted for a period of one month and five days.

5. *Per contra* learned counsel for respondent No.3-Insurance Company would contend that since there is no permanent injury, the amount awarded is sufficient and that there is no scope of any enhancement.

6. I have heard the learned counsel for the parties.

7. Admittedly, no appeal has been preferred by the Insurance Company. In the present case the accident took place on 08.06.2010 and the appellant was admitted to hospital and was discharged on 13.07.2010. The discharge summary (Ex.P2), MRI/CT scan/X-Ray, revealed as under :

“Extra axial Bleed in Right temporal and Left frontoparietal Region.

contagions in Bilateral Frontal and Right Frontoparietal Regions.

Brain edema seen

Bleed along interhemispheric Fissure and along temporal pneumocephalus

Multiple fractures as described.”

8. It has come in the statement of PW1 – Dr. Shantanu Rawat – Medical Officer, Jindal Hospital, Hisar that the appellant was operated upon for head injury. As per the claim petition, the appellant was working as a Conductor and a finding has also been given by the Tribunal holding that the appellant was employed as a Conductor in the vehicle which met with the accident. There is no evidence which has been led by the Insurance Company to the contrary. Further, in the claim petition the appellant had claimed that he was earning ₹3,000/- per month. Keeping in view the said fact and the long hospitalization of the appellant, this Court deems it appropriate to award loss of income to the appellant for a period of two months i.e. ₹6,000/- (₹3,000/- x 2). Further, keeping in view the nature of the injuries as also the period of hospitalization of the appellant, this Court is of the view that the compensation awarded under the heads ‘pain and suffering’ as well as towards attendant charges and special diet is on the lower side. Hence, the compensation under the head pain and suffering is enhanced to ₹2,00,000/- and the compensation awarded towards attendant charges and special diet is enhanced to ₹25,000/-. The Tribunal has not awarded any amount towards transportation charges, hence, ₹25,000/- is awarded under that head. The compensation of ₹92,000/- towards medical bills/receipts and ₹40,000/- towards grievous injuries is maintained. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Amount towards grievous injuries	₹40,000/-
2	Medical bills/receipts	₹92,000/-
3	Attendant charges and special diet	₹25,000/-
4	Pain and suffering	₹2,00,000/-
5	Transportation charges	₹25,000/-
6	Loss of income	₹6,000/-
	Total Compensation	₹3,88,000/-

9. 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.

10. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account of the appellant within six weeks from today. The particulars of the bank account alongwith the requisite documents in support thereof shall be furnished by the appellant to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

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

21.08.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO