



FAO-4154-2017 (O&M), FAO-4236-2017 (O&M)
FAO-8465-2017 (O&M), FAO-112-2018 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

S.No.329

I.

**Date of decision : 15.5.2025
FAO-4154-2017 (O&M)**

United India Insurance Company Limited

... Appellant

VERSUS

Supreet Kaur (minor) and others

... Respondents

II.

FAO-4236-2017 (O&M)

United India Insurance Company Limited

... Appellant

VERSUS

Budh Dharam Singh and others

... Respondents.

III.

FAO-8465-2017 (O&M)

Budh Dharam Singh

... Appellant

VERSUS

Rajinder Singh and others

... Respondents

IV.

FAO-112-2018 (O&M)

Supreet Kaur



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... Appellant

VERSUS

Rajinder Singh and others

... Respondents.

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Harsh Aggarwal, Advocate,
for the appellant insurance company.

Mr. Sanjeev Patiyal, Advocate,
for the claimants.

Mr. A.D.S.Sukhija, Advocate,
for the owner and driver.

PANKAJ JAIN, J. (Oral)

This is a bunch of four cross appeals. FAO-4154-2017 and FAO-4236-2017 are by the insurance company and FAO-8465 and FAO-112-2018 are at the behest of the claimants.

2. Two claim petitions were filed. One by Supreet Kaur daughter of Budh Dharam Singh. The other was preferred by father i.e. Budh Dharam Singh seeking compensation on account of the injuries sustained by them in a motor vehicular accident dated 27.05.2013. As per the claimants, they were scooter borne when they were hit by a Maruti car which turned turtle after being hit by a truck. FIR bearing No.100 dated 29.05.2014 was registered against the driver of the truck for offences punishable under Sections 279, 337, 338, 427 IPC at Police Station Mataur. The Tribunal held that the accident was the result of rash and negligent driving of the driver of the truck and held the claimants entitled for compensation. Supreet Kaur has



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been held entitled for an amount of ₹ 67,490/- on account of injuries suffered by her. Budh Dharam Singh has been found entitled for an amount of ₹ 3,54,333/-.

3. The insurance company is in appeal disputing its liability on the ground that respondent No.1-driver of the offending vehicle was not holding valid and effective driving licence on the date of the accident i.e. 27.05.2013. While deciding issue No.3, the Tribunal observed as under : -

“21. The insurance company, in its reply had taken the plea that the respondent no.1 was not having valid and effective driving licence, at the time of accident. However, the insurance company itself has examined RW-1 Sampuran Singh, Junior Assistant, Office of DTO, Patiala, who had brought the record relating to the issuance/renewal of driving licence of Rajinder Singh. He has proved various entries regarding the validity of the driving licence of Rajinder Singh. The driving licence of Rajinder Singh, at first instance, has been proved as Ex.RW1/A and as per the record, even, RW-1 had stated that this driving license was renewed on 2.12.2009 and covered the validity period for transport vehicle upto 1.12.2015 and for non transport vehicle upto 4.4.2017. Furthermore, he had also deposed about the said driving licence to have been renewed from their office w.e.f. 22.10.1997 upto 21.10.2000 and the copy of the same is Ex.RW1/B. Further, this driving license was renewed for the period 2.12.2012 to 4.4.2017 for non transport vehicle and for transport vehicle, it was valid for 2.12.2015 to 1.12.2018. The entries are Ex.PW1/C. As such, from the aforesaid documents proved by the insurance company, it is established that at the time of accident, respondent no.1 was having valid and effective driving license. Accordingly, this issue is decided against the insurance company.”



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4. Since the insurance company itself examined RW1-Sampuran Singh who proved that Rajinder Singh was holding valid license Ex.RW1/A, counsel for the appellant has not been able to demonstrate as to how the findings recorded by the Tribunal on issue No.3 can be faulted. Findings no merit in the contention raised by the counsel for the insurance company, this Court finds that the appeals preferred by the insurance company (FAO-4154-2017 & FAO-4236-2017) are bereft of any merit and the same deserve to be dismissed. Ordered accordingly.

5. The claimants are seeking re-assessment of compensation. Claimant-Supreet Kaur was student of 9th class and was 13 years of age at the time of the accident. ₹ 17,490/- was rightly awarded by the Tribunal on actual basis. It has come on record that she suffered injuries on forehead. Her face was left with scar. Her right eye, lips, right hand, left foot and teeth were broken. The Tribunal awarded her ₹ 50,000/- on account of special diet on the extra nourishment, pain and suffering and attendant charges. In the considered opinion of this Court, ₹ 10,000/- on account of special diet and ₹ 10,000/- on account of attendant charges are ordered to be maintained. For pain and suffering, she is awarded amount of ₹ 50,000/- and another ₹ 20,000/- is awarded for transportation. The claimant is a minor girl whose face has been left disfigured with scar. She is further awarded an amount of ₹ 3 lakh on account of loss of matrimonial prospects.

6. With the aforesaid modification in the impugned award, FAO-112-2018 filed by the claimant is disposed of.

7. Budh Dharam Singh is 46 years of age. He suffered permanent disability to the extent of 15%. Loss of income has been awarded for the



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time period he remained away from his profession. Nothing has been awarded for loss of income on account of disability suffered by him. The same needs to be assessed applying the multiplier method. Monthly income of the claimant is assessed by the Tribunal is maintained i.e. ₹ 24,000/- per month. At the time of the accident, the claimant was 46 years of age. The multiplier of 13 would be applicable. The permanent disability of 15% has been proved. 25% future prospects need to be added. ₹ 20,000/- granted by the Tribunal for special diet and attendant charges is maintained. Further amount of ₹ 50,000/- is awarded for pain and suffering and ₹ 10,000/- for transportation charges. The medical expenses of ₹ 22,333/- on actual basis is ordered to be maintained.

8. With the aforesaid modification, the appeal filed by the claimant is disposed of.

9. In both the appeals, the claimants are further held entitled for interest @ 7.5% per annum on the enhanced amount from the date of filing the claim petition till the date of actual realization.

(PANKAJ JAIN)
JUDGE

May 15, 2025
Paritosh Kumar

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