



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

(107)

FAO no.2363 of 2003(O&M)

Reserved on:29.09.2025

Pronounced on: 30.09.2025

Sona Devi**.....Appellant****Versus****Mohinder Singh and Others****.....Respondents****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. B.S.Mamli, Advocate
for the appellant.

Mr. Mansi Verma, Advocate for
Mr. Rajneesh Malhotra, Advocatae and
Ms. Vandana Malhotra, Advocate(through V.C.)
for the respondents.

VIRINDER AGGARWAL, J.

1. This appeal is directed against the award dated 11.09.2002 passed by the Motor Accidents Claims Tribunal, Kurukshetra, whereby the learned Tribunal awarded a compensation of ₹6000 along with interest at 9% per annum to the appellant/claimant on account of injuries sustained by her in a motor vehicular accident.

FACTUAL BACKGROUND

2. The brief facts of the case are that on 17.05.2000, the claimant suffered grievous injuries when she was going on her cycle, and the offending tractor No. HR-05-H-2211, which was being driven in a rash and negligent manner by its driver, struck with her. As a result of the accident, the claimant sustained injuries on her right hand and right leg and remained under medical treatment for about eleven days. An FIR was promptly lodged against the driver, who fled



from the spot immediately after causing the accident. She filed a claim petition under Section 166 of the Act seeking ₹5,00,000/-.

3. The learned Tribunal upon appreciation of the pleadings and evidence, came to the conclusion that the accident occurred due to the rash and negligent driving of tractor no. HR-05-H-2211 by its driver. The learned Tribunal held that the claimant had sustained serious injuries on her right hand and right leg and fracture on her right ribs, for which she remained under medical treatment for about about 10 days. The learned Tribunal, therefore, held her entitled to just compensation. On the issue of liability, the learned Tribunal found that the driver of the offending tractor was not in possession of a valid and effective driving licence at the time of the accident, amounting to a breach of the insurance policy. The learned Tribunal held the accident due to the sole negligence of respondent No. 1, fixed joint and several liability on respondents, with respondent no.3 granted recovery rights to the insurer against the insured.

CONTENTIONS

4. Learned counsel for the appellant has assailed the award primarily on the ground that the compensation is grossly inadequate. Learned counsel for the appellant argues that the learned Tribunal erred in not adopting the structured formula for compensation in injury cases. It is contended that the appellant's physical disability, medical expenses, loss of earning during treatment, future loss of earning capacity, and non-pecuniary damages for pain and suffering were not properly assessed, leading to an arbitrary lump-sum award of ₹6000.

5. On the other hand, learned counsel for the respondent no.3 supports the learned Tribunal's award and prays for dismissal of the appeal.



OBSERVATIONS AND FINDINGS

6. Having heard the learned counsel for the parties and perused the record, including the evidence led before the learned Tribunal, this Court finds merit in the appellant's contentions. The Learned Tribunal's approach in awarding a lump-sum amount of ₹6000/- is erroneous and warrants interference.

7. From the material on record, it stands established that the appellant-claimant sustained injuries in the accident on account of rash and negligent driving of the offending tractor no. HR-05-H-2211 by its driver (respondent no.1). The medical documents reveal that she suffered injuries on her right side ribs and right hand and leg, necessitating hospitalization for a period of 10 days. The claimant has also produced medical bills (Ex.P6 – Ex.P8) amounting to ₹2,123/- before the learned tribunal. Hence, It is manifest that the compensation of ₹6,000/- awarded by the learned Tribunal is on the meagre side, considering the nature of injuries, period of hospitalization, and the pain and suffering undergone by the injured.

8. Further, the Hon'ble Supreme Court in ***Rekha Jain v. National Insurance Co., 2013 (8) SCC 389, and K. Suresh v. New India Assurance Co., 2012 (12) SCC 274***, has emphasized that the Court must also consider loss of amenities, pain and suffering, and the inability of the injured to lead a normal life. Therefore, in the present case, Being a lady, the impact of such injuries upon her day-to-day life, particularly in the discharge of household responsibilities, cannot be overlooked. She must have continued treatment even after discharge, and her family life would also have been disturbed. Accordingly, in order to meet the ends of justice, the compensation is re-assessed under the following heads:



- **Pain and Suffering** - ₹15,000/-
- **Special Diet** - ₹5,000/-
- **Attendant Charges** - ₹5,000/-
- **Loss of Amenities and Inconvenience** - ₹10,000/-
- **Medical Expenses** (as proved and rounded with incidental expenses)- ₹5,000/-

Thus, a **lump-sum compensation of ₹40,000/-** is awarded to the injured, which, in the considered view of this Court, would be just, fair, and reasonable in the circumstances of the case.

COMPARATIVE COMPUTATION:

Particulars	Compensation By Tribunal	Reassessed Compensation (₹)
Medical Expenses	2,123/-	5,000/-
Pain and Suffering	Nil	15,000/-
Special Diet and nourishment	Nil	5,000/-
Attendant Charges	Nil	5,000/-
Loss of Amenities of Life	Nil	10,000/-
Total Enhanced Compensation	6,000/- (lump-sum)	40,000/- (lump-sum)

9. Accordingly, the present appeal is partly allowed. The award passed by the learned Tribunal is modified to the extent that the claimant shall be entitled to total compensation of **₹40,000/-** along with interest at the rate of 9% per annum from the date of filing of the claim petition till the date of realization.

10. Apart from the modification with regard to enhancement of



compensation, all other findings and directions of the learned Tribunal shall remain intact.

11. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

30.09.2025
Saurav Pathania

(VIRINDER AGGARWAL)
JUDGE

- (i) *Whether speaking/reasoned* : *Yes/No*
(ii) *Whether reportable* : *Yes/No*