



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-3386-2017 (O&M)
Date of decision: 13.08.2025

Dalbir Singh @ Dalbir Kumar

...Appellant(s)

Vs.

Sandeep Kumar and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Jonti Phogat, Advocate for the appellant.

Mr. Paul S. Saini, Advocate for respondent
No.3-Insurance Co.

NIDHI GUPTA, J.

CM-11141-CII-2017

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 14 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is supported by an affidavit of the applicant/appellant, the same is allowed and delay of 14 days in filing the accompanying appeal is condoned.

FAO-3386-2017 (O&M)

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.70,700/- awarded by the Id. Motor Accident Claims Tribunal, Ambala (for short "the learned Tribunal") vide



Award dated 07.12.2016 passed in MACT Case No. 03 dated 18.01.2016 filed under Section 166 of the Motor Vehicles Act, 1988.

2. Brief facts of the case are that the learned Tribunal on the basis of evidence adduced by the parties concluded that the appellant/injured-claimant had sustained injuries in a motor vehicular accident that took place on 04.08.2015 at about 5/6:00 p.m. due to the rash and negligent driving of a Tata Ace bearing registration No. HR-37-D-8072 (hereinafter referred to as “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The above said compensation was awarded along with interest @ 7.5% per annum. All the respondents were held liable to pay the amount of compensation.

3. Learned counsel for the appellant submits that compensation awarded is liable to be enhanced as nothing has been awarded under various heads, including attendant charges. It is submitted that compensation is liable to be awarded in the following manner:-

Sr. No.	Head of compensation	Amount awarded	Amount to be awarded
1.	Compensation on account of medical bills	17,770	1,00,000/-
2.	Un-shown medical bills upto filing of the claim petition	Nil	50,000/-
3.	Compensation on account of pain and suffering, special diet & Transportation etc.	8,000	1,00,000/-
4.	Compensation on account of attendant	Nil	20,000/-



5.	Compensation on account of discomfort & inconvenience	Nil	50,000/-
6.	Loss of future income	5,000	1,00,000/-
7.	Compensation on account of loss of work for hospitalization and absent from work	10,000	1,00,000/-
8.	Compensation on account of disability	Nil	50,000/-
9.	Compensation on account of loss of enjoyment of life	Nil	1,00,000/-
10.	Compensation for pain and suffering and trauma as consequence of the injuries	10,000	1,00,000/-
11.	Loss of amenity	Nil	1,00,000/-

4. It is accordingly prayed that the present Appeal be allowed; and the impugned Award be modified in the above manner.

5. No other argument is raised on behalf of the appellant.

6. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the appellant.

7. As per the claim petition, prior to the accident the appellant was running a Tea shop from which he was earning about ₹15,000/- per month. It was alleged in the claim petition that in the accident in question, the appellant had *“suffered multiple, simple and grievous injuries including fracture of right shoulder, fracture of left foot, right foot and other injuries on other parts of his body.”* It was further pleaded that after the accident, appellant was first taken to Civil Hospital, Ambala Cantt.; from where he was referred to Civil Hospital, Ambala City where he



remained admitted for two days; and was again referred to PGI Chandigarh; and was lastly admitted in MM. Medical College and Hospital Mullana from 06.08.2015 to 12.08.2015. It was averred that after discharge from the said hospital, he remained under treatment as OPD patient in the said hospital. He had spent more than Rs.50,000/- on his treatment, transportation, medicines and visitors etc. In the claim petition, appellant claimed that he is not able to do any work since the date of accident and has become permanently disabled because of which he remains completely confined to bed and has therefore suffered huge loss.

8. However, no matter the grandiose claims made by the appellant, a perusal of the record reveals that as per the MLR Ex.P4 of the appellant received from the Civil Hospital, Ambala Cantt., the appellant was in a drunken condition at the time of accident. As such, in the first instance, it can be held that the appellant is not entitled to any compensation. It can also not be ignored that FIR No. 109 dated 08.08.2015 Ex.P1 was registered after an unexplained delay of 4 days. Moreover, appellant had produced no proof of income.

9. Notwithstanding the above facts, it is the case of the appellant that he remained in Civil Hospital, Ambala from 04.08.2015 to 06.08.2015. Admittedly, treatment in Civil Hospital was free of cost. Thereafter, the appellant was allegedly referred to PGI Chandigarh; and was lastly admitted in MM Medical College and Hospital Mullana from 06.08.2015 to 12.08.2015. However, as per the evidence on record in the



form of copy of receipts Ex.P7 (Rs.10850/-); Ex.P8 (Rs.1440/-); Ex.P9 (Rs.2532/-) and Ex.P10 (Rs.2793/-) the appellant has spent only Rs.17,615/- on his treatment. Accordingly learned Tribunal had awarded round figure of Rs.17,700/- towards medical expenses. As per the disability certificate Ex.P12, the appellant had suffered 5% permanent disability in relation to particular limb. Learned Tribunal had accordingly awarded Rs.10,000 @ Rs.2,000/- per percent of disability. As appellant had remained hospitalized for 6 days in hospital, learned Tribunal had awarded Rs.8,000/- towards special diet, transportation etc. Accordingly, Id. Tribunal has awarded compensation in the following manner:-

Pecuniary damages (Special damages)	
5% permanent disability	Rs.10,000/-
(i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food, and miscellaneous expenditure.	Rs.17,700/- (medicine bills) plus Rs.8,000/- including all expenses
(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;	Rs.10,000/-
(b) Loss of future earning on account of injuries etc.	Rs.5,000/-
(iii) Future medical expenses	Rs.10,000/-
Non-pecuniary damages (General damages)	
(iv) Damages for pain, suffering and trauma as a consequence of the injuries	Rs.10,000/-
(v). Loss of amenities (and/or loss of prospects of marriage).	nil
(vi) Loss of expectation of life (shortening of normal longevity)	nil
Total Compensation	Rs.70,700/-



10. Learned counsel for the appellant has been unable to deny the factum of MLR Ex.P4 as per which, he was in a drunken condition at the time of accident.

11. In view of the same, I find no ground is made out to interfere in the impugned Award dated 07.12.2016 and enhance the compensation awarded to the appellant.

12. The present appeal stands **dismissed**.

13. Pending application(s) if any also stand(s) disposed of.

13.08.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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