



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

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FAO-5226-2003

Date of decision :14.10.2025

**BASESAR AND ORS LRS of RAMBAI****... APPELLANTS****VERSUS****HOSHIAR SINGH AND ORS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Rajesh Lamba, Advocate and  
Mr. Abhinav Kaushik, Advocate  
for the appellants-claimants.

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**PARMOD GOYAL, J. (ORAL)**

1. The present appeal has been filed by legal representatives (LRs) of the injured claimant-Rambai, who have sought enhancement of the compensation awarded by the Motor Accident Claims Tribunal, Fatehabad (hereinafter referred to as the 'Tribunal').

2. The claimant, Rambai, had filed Claim Petition No. 12 of 1999, which was decided along with other petitions vide award dated 10.10.2002. The Tribunal had awarded following compensation of Rs. 20,000/- to Rambai claimant.

Rs. 2,500/- for pain and sufferings

Rs. 2,500/- for medical expenses incurred

Rs. 15,000/- for loss of enjoyment of life and food, attributed to the breaking of teeth sustained in the accident.

3. The facts of the case reveal that on 13.12.1998, the claimant Rambai along with others was travelling in a jeep bearing registration No. HR-24-C/1659. When her vehicle reached near Sirsa Road, Octroi post, Fatehabad, the offending



bus bearing registration No. HR-46-6913, driven by respondent No. 1 in a rash and negligent manner, collided with the jeep. As a result of this collision, several occupants of the jeep, including Rambai, sustained injuries, and one individual named Om Parkash Gosain died in the accident.

4. In the present case, except for the impugned award dated 10.10.2002, no other material is available on record due to the destruction of documents in a fire incident. Consequently, this Court is constrained to rely solely on the assertions and findings recorded in the award passed by the Motor Accident Claims Tribunal.

5. As per para Nos. 44, 45, and 46 of the award, it is noted that the claimant, Smt. Rambai, sustained injuries resulting in the loss of four upper and three lower teeth in the accident. Loss of teeth caused significant pain, suffering, and deprivation of enjoyment of life and food, as acknowledged by the Tribunal.

6. The Tribunal noted the testimony of Dr. A.L. Bajaj, who duly proved the Medico-Legal Report (MLR) and confirmed the injuries sustained by the claimant, Rambai, including the loss of four upper and three lower teeth. The claimant also suffered a fracture of the nasal bone and claimed to have remained hospitalized for 15 days. Although the claimant produced certain medical bills marked before the Tribunal, none could be substantiated or proved to the satisfaction of the court. The Tribunal accepted the claimant's assertion of having remained hospitalized for 15 days, as this was not successfully challenged by the respondents and was supported by evidence of Dr. R.L. Bajaj.

7. It was held by the Tribunal that the claimant suffered the loss of seven teeth as a result of the accident. However, since the claimant failed to produce any medical bills or receipts showing expenses incurred on treatment, the Tribunal concluded that some expenses were incurred but could not be quantified precisely.



Consequently, an amount of Rs. 2,500/- was awarded towards medical expenses.

8. No X-ray report or other material evidence was placed on record to conclusively establish the fracture of the nasal bone claimed by the claimant.

9. The sole medical evidence regarding the extent of injuries sustained by the petitioner is that of Dr. A.L. Bajaj, who has duly established the loss of four upper and three lower teeth. The Tribunal had awarded Rs. 2,500/- for pain and suffering on account of the loss of teeth and alleged nasal bone fracture. However, in my considered opinion, this amount is grossly inadequate and deserves to be enhanced.

10. Considering the fact that the claimant remained hospitalized for approximately 15 days, suffered the loss of multiple teeth, it is just and proper to increase the compensation for pain and sufferings to Rs. 15,000/-. Furthermore, it is reasonable to conclude that the petitioner must have suffered loss of income during the period of hospitalization and recovery. In the absence of concrete evidence regarding the petitioner's actual income, the minimum wages prevailing will be taken as the benchmark. Therefore, the petitioner is entitled to Rs. 2,500/- as compensation for loss of income for one month.

11. The petitioner is also entitled to compensation towards expenses incurred for medical treatment, transportation, special diet, and attendant services during the 15-day hospitalization. Considering the lack of evidence regarding actual expenses and nature of injuries, a consolidated amount of Rs. 5,000/- is awarded under these heads.

12. Lastly, the Tribunal has rightly awarded Rs. 15,000/- towards loss of enjoyment of life, loss of future amenities, and dietary restrictions resulting from the injury. This amount is just and requires no enhancement.

13. Learned counsel for the appellant has contended that no separate



compensation has been awarded for the loss of teeth, which amounts to permanent disability.

14. I find merit in this contention. Nature of injury, however, will not have direct bearing on loss of earning capacity substantially, however, keeping in view permanent disability, an amount of Rs. 10,000/- is awarded under this head.

Claimant is therefore, entitled to following compensation:-

Pain and sufferings Loss of income	Rs. 2,500/- (by Tribunal)	Rs. 15,000/-
Medical treatment, transportation, special diet and attendant service	Rs. 3,500/- (by Tribunal)	Rs. 5,000/-
Loss of enjoyment of life, loss of future amenities and dietary restrictions.	Rs. 15,000/- (by Tribunal)	Rs. 15,000/-
Permanent disability		Rs. 10,000/-
Compensation awarded by Tribunal	Rs. 20,000/-	
Compensation awarded by Tribunal		Rs. 45,000/-
Enhancement of compensation	Rs. 45,000/- (awarded in appeal) – Rs. 20,000/- (awarded by Tribunal)	Rs. 25,000/-

15. The petition is allowed in the aforesaid terms.

16. Pending miscellaneous application(s), if any, shall also stand disposed of.

14.10.2025

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**(PARMOD GOYAL)**  
**JUDGE**

Whether speaking/reasoned Yes  
Whether reportable Yes/No