

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2025:PHHC:098448



FAO No. 3638 of 2025 (O&M)
DECIDED ON: 2nd August, 2025

Vinod Kumar

.....Appellant

VERSUS

Ankush and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA.

Present: Mr. Sandeep Goyal, Advocate for appellant.

NIDHI GUPTA., J (ORAL)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.2,15,509/- awarded by the Motor Accident Claims Tribunal, Karnal, (hereinafter referred to as 'the Tribunal') vide Award dated 01.10.2024 passed in Claim Petition bearing No.689 of 2021 filed under Sections 166 and 140 of Motor Vehicle Act (hereinafter referred to as 'the Act').

2. Brief facts of the case are that the ld. Tribunal on the basis of pleadings and evidence adduced before it concluded that the appellant-claimant had suffered injuries in a motor vehicular accident that took place on 25.06.2021 due to rash and negligent driving of Tata Tipper/Dumper bearing registration No.HR-45-B-5009 (hereinafter referred to as 'the offending vehicle') being driven by respondent No. 1, owned by respondent No.2 and insured by respondent No.3.

3. Learned Tribunal awarded compensation as above along with interest @ 6% per annum; and if the Award along with interest was not deposited within two months, then the interest was liable to be paid @ 9% per annum.

4. Learned counsel for the appellant seeks enhancement of compensation by submitting that in the accident in question, the appellant had suffered grievous injuries on his right foot including various fractures on his right foot and other injuries on his body. It is submitted that accordingly the appellant ought to have been granted compensation of Rs.20,00,000/- along with interest @ 24 % per annum as claimed in the claim petition, however, the Tribunal has awarded only Rs.2,15,509/-.

5. Learned counsel submits that the appellant had remained admitted in hospital from 25.06.2021 to 02.07.2021 during which time various operations/surgeries were conducted on the right foot of the appellant. The appellant has spent Rs.7,00,000/- on his treatment, yet the Tribunal has awarded only Rs.1,62,255/- for medical expenses. Learned counsel further submits that the appellant had remained under treatment for a long time and was not able to work but the Tribunal has assessed the loss of income only to Rs.4254/- which is on the lower side. The Tribunal has failed to take into consideration the fact that when the appellant was medico-legally examined by the Doctor on duty at KCGMCH Karnal, vide MLR No.MA/2021/38 dated 25.06.2021, the appellant had been referred to PGI due to the serious and grievous injuries suffered by him, yet only Rs.10,000/- has been awarded under pain and suffering. Even nothing has been given for attendant charges; and only Rs.10,000/- has been given for special diet. Moreover, the appellant has suffered 12% permanent disability as evident from the Disability Certificate Ex.P29, despite that the Tribunal has awarded only Rs.24,000/- under the head of Disability, which is also liable to be

enhanced. Accordingly, prays that the impugned Award be modified and compensation awarded to the appellant be enhanced.

6. No other argument was raised by learned counsel for appellant. Heard learned counsel and perused the case file carefully. I find no merit in the submissions made on behalf of appellant.

7. It was pleaded case of the appellant before the learned Tribunal that in the accident in question the appellant has sustained “*multiple serious grievous injuries on his right foot including various fracture on his right foot and other injuries on his body.*” It has further been claimed by the appellant that he has spent Rs.7,00,000/- on his treatment and he had remained admitted as indoor patient from 25.06.2021 to 02.07.2021. However, PW1 Dr. Rakesh Jindal, Plastic Surgeon, Balajit Hospital, Karnal, deposed that the appellant had been admitted with the history of roadside accident and was ‘*complaining of injuries, pain and bleeding from right foot.*’ Dr. Rakesh Jindal as PW1 further deposed that on examination it was found that there was “*avulsion injury right foot*” and the patient was operated for “*excision of Avasucular (Absence of bleeding)*”. An avulsion fracture is a type of fracture where a tendon or ligament pulls a small piece of bone away from the main bone. This commonly occurs due to sudden, forceful muscle contractions, especially during sports or falls. Thus, from the above deposition, it is clear that the appellant had not suffered major injuries in the accident. It has further been stated by the appellant that he had spent Rs.7,00,000/- on his treatment. However, it was deposed by PW1 that the hospital had charged only Rs.95,000/- from the appellant excluding medicine, test, dressing charges and OPD charges etc. In addition to the said amount, the appellant had produced bills for

a total amount of Rs.1,62,255/- (Rs.95,000/- +Rs.2,000/- +Rs.2100/- + Rs.9000/- + Rs.51,031/- + Rs.3124/-) of which compensation was awarded to the appellant for medical expenses. Details of the bills produced by the appellant are given in Para -17 of the Award as under:

“17. Now so far as the claim of the Claimant that he had incurred huge amount of money on his treatment is concerned, in this regard the discharged summary of the patient is Ex.P1 and hospital charged Rs.95,000/- and its bill is Ex.P3. Further OPD charges slips Ex.P2, Ex.P4 and Ex.P5 i.e. Rs.2000/-. Further laboratory charges receipts Ex.P6 & Ex.P7 i.e. Rs.2100/-. Further the dressing charges are Ex.P8 to Ex.P25 i.e. Rs.9,000/-. Learned counsel for the Claimant has placed on medical bills, OPD Slip and Payment receipt of Claimant is Ex.P36 to Ex.P95, which shows that an amount of Rs.51,031/-. Learned counsel for the Claimant has also placed on documents in rebuttal evidence i.e. Ex.P100 to Ex.P109, which shows that an amount of Rs.3124/-. Thus the total expenses incurred by the Claimant on his medical treatment was Rs.1,62,255/- (Rs.95,000/- Rs.2,000/- + Rs.2100/- Rs.9,000/- + Rs.51,031/- + Rs.3124/-).”

8. No other bills in respect of medical expenses were produced by the appellant. Therefore, the claim of the appellant that he had spent ₹7,00,000/- on his treatment is incorrect. It was further the case of the appellant before the Tribunal that the appellant was doing business of Rice Broker and earning Rs.40,000/-, however, no evidence whatsoever in this regard was led by the appellant. As such Id. Tribunal has taken income of the deceased as Rs.15,954/- as that of an unskilled labourer as per DC rate at the relevant time. Accordingly, given the fact that appellant was admitted in hospital for 8 days, loss of income was assessed as Rs. 4254/-. I find no error in the same.

9. Further disability of the appellant to the extent of 12% was proved by way of Disability Certificate Ex.P29, by Dr. Vinod Kumar. However, learned Tribunal opined that as the appellant was in the business of Rice Broker, therefore, the said disability did not affect his business. This fact has not been disputed or controverted by the appellant before this Court. Accordingly, the Tribunal has correctly awarded Rs.24,000/- i.e. for disability. Learned Tribunal has further awarded Rs.10,000/- for pain and suffering; Rs.5,000/- for transportation; and Rs.10,000/- for special diet. Nothing has been brought to the notice of this Court that any expenses were incurred by the appellant towards attendant charges or even that any attendant was employed by the appellant.

10. In view of the above, I find no error in the compensation as awarded by the learned Tribunal in the following manner:

Sr. No.	Nature	Amount
1.	Medical expenses	Rs.1,62,255/-
2.	Loss of Income	Rs.4254/-
3.	Pain and suffering	Rs.10,000/-
4.	Transportation	Rs.5,000/-
5.	Special Diet	Rs.10,000/-
6.	Disability	Rs.24,000/-
	Total amount	Rs.2,15,509/-

11. In this view of the matter, no ground is made out to interfere in the impugned Award and the present appeal stands **dismissed**.

12. Pending application(s), if any, shall stands disposed of.

(NIDHI GUPTA)
JUDGE

2nd August, 2025

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Whether speaking/reasoned Yes
Whether reportable No