



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

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**FAO-5441-2023 (O&M)  
Date of decision : 17.07.2025**

**Rajesh Kumar** ..... **Appellant**

**versus**

**Surender and another** ..... **Respondents**

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Narender Kaajla, Advocate  
for the appellant.

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**PANKAJ JAIN, J. (Oral)**

**CM-18394-CII-2023**

This is an application for condonation of delay of 29 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed. Delay of 29 days in filing the appeal stands condoned.

**Main case**

1. Present appeal is directed against award dated 19.05.2023 passed by MACT, Hisar.
2. Claimant suffered injury resulting in tibial plateau fracture on the left side. Tribunal while awarding compensation observed as under:-

“19. The petitioner Rajesh has examined Dr. Virender Kadyan as PW-2, who has proved the X-ray, hospital bill and medicine bills Ex.P4 to Ex.P23. The total of bills comes out to be Rs. 63,570/- which is allowed as treatment, hospitalization and medicines expenses.

19.1 Nevertheless, no evidence of transportation expenses



has been placed on record, but considering the fact that petitioner Rajesh Kumar was diagnosed as a case of fracture tibia plateau in left side, he would have certainly required transportation to and from the hospital. Accordingly, this Tribunal awards Rs.10,000/- as transportation charges.

19.2 The petitioner suffered fracture and remained admitted in the hospital for four days, therefore, Rs.10,000/- is awarded on account of special diet.

(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;”

3. Counsel for the appellant does not dispute that apart from the time that the claimant was nursing his injury, there is no loss of income as the claimant did not suffer any permanent disability owing to the injuries caused in the accident.

4. Notice of motion.

5. On the asking of the Court, Mr. Sanjiv Pabbi, Advocate accepts notice on behalf of respondent No.2-Insurance Company.

6. Keeping in view the totality of the circumstances, the award is modified to the extent that the claimant is granted an amount of Rs.10,000/- on account of attendant charges and amount of Rs.20,000/- granted for pain and suffering is enhanced to Rs.25,000/-.

7. With the aforesaid modification, the appeal is disposed off.

**(PANKAJ JAIN)**  
**JUDGE**

**17.07.2025**

Dinesh

Whether speaking/reasoned :

Yes

Whether Reportable :

No