



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

**CM-4975-CII-2025 in
FAO No.3485 of 2016 (O&M)
Date of decision : 20.03.2025**

SANJAY

....Appellant

Versus

SANSAR AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ram Pal Verma, Advocate
for the applicant/appellant.

Mr. R.S. Gill, Advocate for
Mr. K.S. Kharbanda, Advocate
for the non-applicants/respondents.

PANKAJ JAIN, J. (ORAL)

CM-4975-CII-2025

This is an application filed under Section 151 CPC seeking restoration of the main appeal which was ordered to be dismissed for want of prosecution vide order dated 07.02.2025.

For the reasons recorded in the application, the same is allowed. Main appeal is ordered to be restored to its original number and accordingly taken on Board today itself.

CM No.12503-CII of 2016

This is an application filed under Section 5 of Limitation Act seeking condonation of delay of 144 days in filing the instant appeal.



For the reasons recorded in the application, this Court is satisfied that the applicant/appellant has made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. The delay of 144 days in filing the instant appeal is hereby condoned.

CM No.12504-CII of 2016

This is an application filed under Section 151 CPC seeking condonation of delay of 177 days in re-filing the instant appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant/appellant has made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. The delay of 177 days in re-filing the instant appeal is hereby condoned.

FAO No.3485 of 2016

Claimant is in appeal seeking modification of the award dated 26.09.2014 passed by the Motor Accident Claims Tribunal, Sonipat (for short, 'the Tribunal').

2. Claimant filed petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of injuries sustained in motor vehicular accident dated 18.01.2013.

3. As per the claim petition, on the fateful day i.e. 18.01.2013, claimant was going towards Railway Station Ganaur on motorcycle bearing



registration No.HR-42A-1471. On the way, he was hit by a truck bearing registration No.HR-39B-6988 being driven by respondent No.1 in a rash and negligent manner. The claimant fell down and sustained multiple injuries. FIR No.12 dated 19.01.2013, for the offences punishable under Sections 279 and 337 IPC at Police Station Ganaur was registered against driver/ respondent No.1.

4. As per the claim petition, the appellant was doing the job of repairing tyre puncture and was earning Rs.15,000/- per month. Due to injuries suffered in the accident, he remained hospitalized and incurred a sum of Rs.4.00 lacs on his treatment. Thus, he claimed compensation to the tune of Rs.10.00 lacs.

5. Driver and owner of the offending vehicle filed separate written statements denying the accident.

6. On the basis of the pleadings of the parties, following issues were framed by the Tribunal:

- “1. Whether the accident took place due to rash and negligent driving of truck bearing registration No.HR-39B-6988 by its driver-respondent No.1 on 18.01.2013 within the jurisdiction of Police Station Ganaur, Sonipat resulting into injuries to claimant Sanjay, as alleged? OPP
2. If issue No.1 is proved in the affirmative, to what amount of compensation, petitioner is entitled to and from whom? OPP
3. Relief.”



6. Tribunal answered the issue of rash and negligent driving against the respondent No.1 and in favour of the claimant.

7. The scope of the present appeal is confined to compensation i.e. issue No.2.

8. Tribunal tabulated quantum of compensation as under:

(i)	Cost of medicines	55,000-00
(ii)	Pain and sufferings	10,000-00
(iii)	15% disability	15,000-00
(iv)	Transportation	5,000-00
(v)	Loss of income	15,000-00
	Total compensation	1,00,000-00

9. It has come on record that the claimant remained hospitalized from 18.01.2013 to 21.01.2013. He was operated. He thus is not expected to have started working the next day. Tribunal has assessed loss of income to Rs.15,000/- i.e. loss of income for 2½ months. The quantum of compensation is modified to the following extent:

Sr. No.	Heads	Compensation
(i)	Cost of medicines	Rs.55,000/-
(ii)	Pain and sufferings	Rs.25,000/-
(iii)	15% disability	Rs.50,000/-
(iv)	Transportation	Rs.5,000/-
(v)	Loss of income	Rs.15,000/-
(vi)	Attendant charges	Rs.15,000/-
(vi)	Special diet	Rs.15,000/-
	Total compensation	Rs.1,80,000/-



11. With the aforesaid modification in the impugned award, the present appeal is allowed.

12. The total compensation be calculated accordingly and paid to the appellant.

13. Needless to say any amount already paid to the claimant/ appellant shall be set off.

14. Ordered accordingly.

March 20, 2025

(Pankaj Jain)
Judge

Dpr

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No