



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

**115+221**

**CM-17600-CII-2025 in/and  
FAO-1617-2001 (O&M)  
Date of decision:03.09.2025**

**Gurcharan Singh**

**...Appellant(s)**

**Vs.**

**Jai Dev and others**

**...Respondent(s)**

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Rashi Hooda, Advocate for the appellant.

Mr. Sahej Mahajan, Advocate for  
Mr. R.K.Bishamber, Advocate  
for respondent No.3.

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**NIDHI GUPTA, J.**

**CM-17600-CII-2025**

This is an application under Section 151 CPC for placing on record Death Certificate of Tejinder Singh as Annexure P-1.

2. Heard.

3. Application is allowed and the Death Certificate of Tejinder Singh is taken on record as Annexure P-1, subject to all just exceptions.

Registry is directed to tag the same at appropriate place.

**FAO-1617-2001 (O&M)**

The present appeal has been filed by the claimant seeking enhancement of compensation of Rs.56,770/- (wrongly written as Rs.66,770/-) awarded by the learned Motor Accident Claims Tribunal, Ambala (for short "the learned Tribunal") vide Award dated 05.12.2000



passed in MACT Case No. 229 dated 18.12.1998 filed under Section 166 of the Motor Vehicles Act, 1988. Claim petition was filed by the present appellant on behalf of his injured brother Tejinder Singh.

2. Brief facts of the case are that at the time of accident, the injured-Tejinder Singh was 21 years old and unmarried. In the accident, Tejinder Singh had suffered 100% permanent disability and was in coma since then. Parents of Tejinder Singh and the appellant had already expired. As such, claim petition was filed on behalf of Tejinder Singh, through his brother, his only next friend and guardian (present appellant/claimant), who was taking care of him. The Id. Tribunal on the basis of evidence adduced by the parties concluded that Tejinder Singh had suffered injuries in a motor vehicular accident that took place on 17.10.1998 due to the rash and negligent driving of a Trax bearing registration No. DL-2-CE-6151 (hereinafter referred to as "the offending vehicle") being owned by respondent No.1; driven by respondent No.2; and insured by respondent No.3. The above said compensation was awarded along with interest @ 12% per annum. All the respondents were held jointly and severally liable to pay the amount of compensation.

3. Learned counsel for the appellant submits that the compensation awarded by the learned Tribunal is grossly inadequate as, despite admitted fact that Tejinder Singh had suffered 100% disability, only an amount of Rs.25,000/-has been awarded towards disability; and an amount of Rs.31,770/- only has been awarded for medical expenses. It is submitted that as evident from the disability certificate 'Mark J', Tejinder



Singh was in a vegetative body and was unable to take care of himself. Ld. counsel submits that the appellant had incurred expenses of Rs.3,50,000/- in looking after injured-Tejinder Singh, in respect of which appellant had produced medical bills Ex.P1 to Ex.P102 before the learned Tribunal. Yet, nothing whatsoever has been granted towards special diet, future medical expenses, attendant charges etc. It is accordingly prayed that the present Appeal be allowed; and the impugned Award be modified and compensation enhanced.

4. Learned counsel for respondent No.3 opposes submissions made on behalf of the appellant and submits that impugned Award suffers from no error; and therefore, the present Appeal deserves to be dismissed.

5. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the case file in great detail.

6. Needless to say, this Court has complete sympathy with Tejinder Singh for being rendered 100% disabled and in vegetative state due to the accident. However, it is admitted by learned counsel for the appellant that Tejinder Singh had died on 25.03.2004 as evident from his Death Certificate (Annexure P-1). As such, no ground is made out for enhancement of the compensation awarded to Tejinder Singh.

7. It has further been submitted by learned counsel for the appellant that the appellant had incurred expenses of Rs.3,50,000/- in looking after injured-Tejinder Singh (now deceased), in respect of which appellant had produced medical bills Ex.P1 to Ex.P102 before the learned Tribunal. However, a perusal of the impugned Award shows that the findings



of the learned Tribunal in respect of medical expenses, are contained in para 15 and 16 of the impugned Award which read as follows:-

*“15. Ex.P1 to Ex.P102 are some of the bills which show that medicines which had to be taken while the injured was undergoing treatment at the PGI. The bills show that the medicines etc. had been purchased at Chandigarh. The later bills are, with respect of medicines purchased at Ambala. Mark A to Mark I are receipts on plain papers which show that some amount had been charged for the dressing and the other receipts relate to the payment made to Rachpal Singh who had charged for the imparting exercises to the patient.*

*16. The bills show that the medicines had been purchased till June, 2000 as the last bill pertains to 15.6.2000. The total of this comes to Rs. 31770/-. The claimant is entitled to the actual amount which he had been spent on medicines, transportation, as some of the bills show the charges which the driver of the ambulance had taken.”*

8. From a reading of the above, it is clear that as per the medical bills Ex.P1 to Ex.P102, appellant had incurred medical expenses for an amount of Rs.31,770/- only, which has been duly reimbursed to him.

9. Before parting, it may be pointed out that it has been mentioned by learned counsel for the appellant, and in the appeal, that compensation of Rs.66,770/- has been awarded to the appellant. However, the said assertion is incorrect as compensation of Rs.56,770/- (Rs.31,770 towards medical expenses + Rs.25,000 towards disability), has been awarded.



10. In view of the above, no ground is made out to interfere in the impugned Award dated 05.12.2000. The present appeal is hereby **dismissed.**

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

**03.09.2025**

Divyanshi

**(NIDHI GUPTA)**

**JUDGE**

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