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FAO No.1544 of 2001

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S. No.211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.1544 of 2001

Date of Decision:23.02.2026

Gurdeep Singh

Vs.

St. Joseph Convent School and others

.....Appellant

.....Respondents

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Gurwinder Pal Singh, Advocate and
Ms. Sukhmandeep Kaur, Advocate for
Mr. P.S. Khurana, Advocate for the appellant.

Ms. Sunita Devi Spehia, Advocate for
respondents No.1 and 2.

Mr. Vinod Gupta, Advocate for respondent No.3.

Yashvir Singh Rathor, J. (Oral)

1. This appeal has been instituted against the Award dated 07.11.2000 for enhancement of compensation awarded in MACT case No.13 of 19.05.1998 decided by the MACT, Ludhiana (**for short "Tribunal"**) on account of injuries suffered by him in a motor vehicular accident with the offending vehicle being driven by respondent No.2 in a rash and negligent manner which was owned by respondent No.1 and insured with respondent No.3.

2. I have heard learned counsel for the parties and have perused the material on record.

3. From the pleadings of parties, following issues were framed:-

"1. Whether the claimant received injuries in motor vehicle accident on 30.3.90 at about 2.30 P.M near Jain School, Urban Estate, Jamalpur, Phase II, Ludhiana with Matador No.PB-



08J-0938 being driven in a rash and negligent manner by respondent No.2?OPP

2. Whether respondent No.2 was not holding any valid driving licence at the time of accident? OPR

3. Whether the petition is bad for non-joinder of necessary parties?OPR

4. If issue no.1 is proved, to what amount of compensation, the claimant is entitled to claim and from whom?OPP

5. Relief.

4. Thereafter, the parties led evidence in support of their case.
5. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.3,00,000/- as compensation to the claimant, on account of injuries suffered by him along with interest @ 12% per annum from the date of filing of claim petition till realization.
6. Feeling aggrieved, the appeal in hand has been preferred. The material on file has been perused and parties have been heard.
7. It is pertinent to mention that the record of the present appeal and the Tribunal has got burnt in a fire incident in the High Court Branch and the present appeal has to be decided on the basis of the facts and evidence discussed by the Tribunal.
8. The only issue required to be determined in the present appeal relates to the assessment of compensation. Therefore, the entire facts regarding the manner of the accident are not required to be reproduced in detail, as the Tribunal has already held under Issue No.1 that the accident occurred due to the rash and negligent driving on the part of respondent No.1 while driving the offending Matador bearing No.PB-08J-0938, owned by respondent No.1 and insured with respondent No.3 and all the respondents were held liable to pay compensation



jointly & severally. No appeal or cross-objections have been filed by respondents, challenging the said findings and accordingly findings on issue No.1 is not required to be interfered with.

9. As per version of petitioner, he had suffered multiple injuries including fractures on account of injuries suffered by him in the accident and has become 100% disabled. To prove the injuries, petitioner has examined PW2 – E.Rai Singh, Medical Records Officer, CMC Hospital, Ludhiana. He produced the summoned record and deposed that patient Gurdeep Singh was admitted in their hospital on 30.03.1998 and was discharged on 31.03.1998. He had suffered following injuries:-

1. Closed head injury. Right frontal Intra Cerebral Bleed, fracture Mandible.
2. Lacerated wound scalp, right lower leg, right zygomatic region.

He tendered the MLR of the petitioner Ex.P1 and further stated that patient was referred to the hospital by police of Police Station Division No.3, Ludhiana and was admitted in the casualty.

10. PW3 Dr. T.N. Shadangi, Neuro Surgeon, Sutlej Hospital, Sarabha Nagar, Ludhiana deposed that patient was brought to their hospital on 31.03.1998 where he remained upto 30.05.1998. Patient was having following injuries:-

1. Glasgoo Coma Scale 6/15.
2. Right eye exophthalmos.
3. Right pupil dilated and fixed left pupil dilated and reacting.
4. Black dis-colouration below lateral canthus right eye and below right ear.



5. Sutured wounds left cheek.
6. Multiple abrasions on cheek shoulder and face.
7. Lacerated wound ½” x ½” upper right tibia.
8. Sutured wound on right knee.

11. He further deposed that major injury was head injury and on account of this injury, he had lost his memory and has suffered paralysis of right eye with the movement of eye balls effected on right side. He further stated that certificates Ex.P2 and Ex.P3 have been issued by him. Ex.P4 is the psychological report prepared by Dr. Mishra, Clinical Psychologist and he identified his signatures. He further stated that on the basis of psychological report Ex.P4, he had issued disability certificates Ex.P2 and Ex.P3. He further stated that patient has been coming to the hospital for regular follow-up treatment. Nothing favourable could be extracted during cross-examination of both the afore-said Medical Officers to prove to the contrary. No evidence has also been led by respondents to establish that the petitioner had not suffered the afore-said injuries and as such, from the statement of PW2 and PW3, it is established that petitioner had suffered head injury including fracture mandible and there was right frontal intra cerebral bleeding as well as injuries on his head. From the statement of PW3, it is further established that the petitioner has suffered glasgoo coma scale 6/15 and right eye exophthalmos on account of head injury suffered by him. He remained admitted in Sutlej Hospital from 31.03.1998 to 30.05.1998 i.e. for two months. However, no compensation has been awarded by the Tribunal on account of *Pain and Sufferings* despite the fact that the victim had suffered grievous injuries and had suffered paralysis of right eye as the movement of eye balls was



effected on right side. It is well known that pain component in such injuries is enormous and they take a long time to heal. Accordingly, petitioner is held entitled to a sum of **Rs.1,00,000/-** towards **Pain and Sufferings**.

12. Tribunal has awarded a sum of Rs.2,50,000/- on account of expenses incurred on the treatment after taking into consideration the evidence led on file which in my opinion has been correctly assessed and no interference in the same is called for.

13. Tribunal has also awarded a sum of Rs.30,000/- on account of loss of business as the claimant could not attend his business for about one and a half years. However, the accident had taken place on 30.03.1998 and claimant was running his own business and taking his income to be around Rs.3,500/- per month, the **Loss of income** for 18 months will come to **Rs.63,000/-** and he is held entitled to the same.

14. A sum of Rs.10,000/- has also been awarded by the Tribunal for engaging an attendant during the treatment and Rs.10,000/- on account of special diet, conveyance charges and mental pain.. However, the petitioner remained under treatment for about one and half year and during this period, he must have spent a substantial amount in engaging an attendant, on special diet and on transportation and accordingly, he is held entitled to a sum of **Rs.50,000/-** under this head.

15. So far permanent disability suffered by petitioner is concerned, the claimant had not got himself examined from the Board of Doctors from the Office of Civil Surgeon and the opinion of PW3 that he has suffered 100% disability cannot be believed and Tribunal has also thus rightly discarded his testimony in



this regard by observing that IQ level of the petitioner has not diminished as he has personally deposed in the Court as PW1.

16. The total compensation payable to the appellant is accordingly assessed as under:-

<i>S.No.</i>	<i>Under Head</i>	<i>Compensation awarded by the Tribunal</i>	<i>Compensation awarded by High Court</i>
<i>1.</i>	<i>Pain and Sufferings as well as disability in eye</i>	<i>Nil</i>	<i>Rs.1,00,000/-</i>
<i>2.</i>	<i>Expenses incurred on the treatment.</i>	<i>Rs.2,50,000/-</i>	<i>Rs.2,50,000/-</i>
<i>3.</i>	<i>Loss of Income</i>	<i>Rs.30,000/-</i>	<i>Rs.63,000/-</i>
<i>4.</i>	<i>Special diet, on transportation and in engaging an attendant</i>	<i>Rs.20,000/-</i>	<i>Rs.50,000/-</i>
	<i>Total compensation</i>	<i>Rs.3,00,000/-</i>	<i>Rs.4,63,000/-</i>

17. As a result of afore-said discussion, the appeal in hand is partly allowed with cost and petitioner is held entitled to enhanced compensation of Rs.1,63,000/- (Rs.4,63,000 – Rs.3,00,000). The appellant is entitled to recover the same from respondents No.1 to 3 jointly and severally along with interest @ 9% per annum, from the date of filing of claim petition i.e. 19.05.1998 till realisation. The entire of compensation be paid to the appellant.

18. Registry is directed to email the authenticated copy of the award to the respondent Insurance Company in terms of direction issued by the Hon'ble Supreme Court in Writ Petition (Civil) No.534 of 2020 titled **Bajaj Allianz General Insurance Company Versus Union of India and others**, decided on



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16.03.2021 and Insurance Company shall comply with the directions as issued under Clause (F) of the said judgment.

19. Pending misc. application (s), if any, shall also stand disposed of.

(Yashvir Singh Rathor)
Judge

February 23, 2026
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No