IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(231) **Reserved on: 11.05.2026**
Pronounced on:21.05.2026
Uploaded on: 21.05.2026

1. FAO No.2108 of 2003 (O&M)

Arun Kumar Mehra … Appellant

Versus

M/S Maharaja Travels And Others … Respondents

AND

2. FAO No. 1782 of 2003 (O&M)

Uma Sehgal … Appellant

Versus

M/S Maharaja Travels And Others … Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Sukhandeep Singh, Advocate
for the Appellant in **FAO-2108-2003.**

Mr. Puneet Sharma, Advocate,
Mr. Mridual Mahajan, Advocate for
for appellant in **FAO-1782-2003.**

Mr. D.P. Gupta, Advocate and
Mr. Shubham Gupta, Advocate
for respondent No.7/Insurance Company.

*****

VIRINDER AGGARWAL,J.

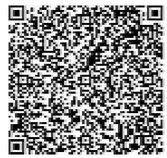
1. Both the appeals arise out of a two separate awards dated 10.01.2003 passed by the Motor Accident Claims Tribunal, Amritsar, in the two claim petitions filed by the appellants under Section 166 of the Motor Vehicles Act, 1988. By the separate impugned awards, the learned Tribunal disposed of each claim petition arising out of the same motor vehicular accident dated 25.08.1997, awarding compensation to the claimants for the injuries sustained

by them. Feeling aggrieved by the quantum of compensation awarded, which the appellants contend is inadequate and not in consonance with settled principles, the claimants have preferred these two appeals seeking enhancement of the compensation. Since both the appeals stem from the same accident, they are being disposed of by this common order.

BACKGROUND FACTS

2. The facts leading to the present appeals, in brief, are that on 25.08.1997, the appellants Arun Kumar Mehra and Uma Sehgal were travelling as passengers in Bus No. PB-01-5046 belonging to M/s Maharaja Travels. Three buses of the same transport company i.e. Bus Nos. PB-01-5045, PB-01-5016 and PB-01-5046 were proceeding from Amritsar towards Saharanpur-Haridwar. When Bus No. PB-01-5016 being driven by its driver stopped suddenly near Village Saidpur on Chandigarh-Ambala Road at about 7:00 A.M., the other two buses, being driven at high speed in a rash and negligent manner by their respective drivers (without blowing horns), collided with it, resulting in a chain collision. As a result of the said accident, both the appellants sustained serious multiple injuries.

3. Consequent upon the accident, claim petitions came to be filed by the injured appellants under Section 166 of the Motor Vehicles Act before the learned Motor Accident Claims Tribunal, Amritsar, seeking compensation under various heads such as medical expenditure, pain and suffering, loss of income. The learned Tribunal clubbed the petitions, noticing that both claims pertained to the same accident, and proceeded to record common evidence on issues of negligence and liability, while separate evidence was considered regarding the nature of injuries, treatment, and quantum of compensation in each individual petition.



4. Upon appreciation of the oral as well as documentary evidence available on record, the learned Motor Accident Claims Tribunal, Amritsar, vide common award dated 10.01.2003, held that on 25.08.1997 at about 6:00/7:00 A.M., near Village Saidpur on Chandigarh-Ambala Road, three buses belonging to M/s Maharaja Travels bearing registration Nos. PB-01-S-5045, PB-01-S-5016 and PB-01-S-5046, while proceeding from Amritsar towards Saharanpur, became involved in a chain collision accident. The learned Tribunal further recorded that appellants Arun Kumar Mehra and Uma Sehgal were travelling as passengers in Bus No. PB-01-5046 at the relevant time. The learned Tribunal returned a categorical finding that the accident had occurred due to the composite negligence of the drivers of the buses in question and accordingly decided Issue No.1 in favour of the claimants.

5. Further, So far as the injuries suffered by the appellants are concerned, the learned Tribunal recorded that appellant Arun Kumar Mehra had sustained severe spinal injuries involving cervical vertebrae and spinal cord damage resulting in quadriplegia and 100% permanent disability. The claimant remained admitted at PGI, Chandigarh and thereafter at Indian Spinal Injuries Centre, New Delhi for prolonged treatment. The learned Tribunal, while taking into consideration the grievous spinal injuries suffered by him, prolonged medical treatment, permanent disability and the evidence produced on record, awarded a total compensation of Rs.9,95,853/- along with interest at rate of 9% per annum from the date of filing of the claim petition till realization.

6. Similarly, in the case of appellant Uma Sehgal, the learned Tribunal found that she had sustained grievous injuries including fracture of pelvis and fracture of the head of left femur/right hip resulting in permanent disability. She initially remained admitted at Chandigarh Medical Centre and thereafter

underwent treatment at Amritsar and other hospitals. The claimant examined AW1 Lekh Raj, Stenographer from the office of Chief Medical Officer, Amritsar, who proved disability certificate Ex.A1 certifying 30% permanent disability. The learned Tribunal noticed that the claimant had also alleged undergoing treatment at Sharjah and had produced certain documents marked as Mark X1 to Mark X17 regarding treatment and travel abroad. However, the learned Tribunal observed that the treatment at Sharjah and several allied expenses had not been duly proved in accordance with law as the concerned doctors or hospital officials were not examined and the documents had merely been tendered in evidence. While assessing the quantum of compensation, the learned Tribunal, in the case of Uma Sehgal, assessed her contribution towards household duties notionally at Rs.2,000/- per month and, taking into consideration 30% permanent disability, applied a multiplier of 5. The learned Tribunal awarded a total compensation of Rs.1,36,000/- along with interest at rate of 9% per annum from the date of filing of the claim petition till realization.

CONTENTIONS

7. Learned counsel for the appellant-Arun Kumar Mehra in **FAO-2108-2003** argued that the compensation awarded by the learned Tribunal is grossly inadequate and not commensurate with the grievous spinal injuries and 100% permanent disability suffered by the appellant. It was submitted that the learned Tribunal failed to properly assess the income of the appellant and had taken the same on the lower side despite income tax returns and documentary evidence being available on record. Learned counsel further contended that the appellant had become permanently immobile and dependent upon others for day-to-day activities and yet inadequate compensation was awarded towards future loss of

earning capacity, future medical expenses, attendant charges, special diet, transportation, pain and suffering and loss of amenities of life. It was thus argued that the impugned award deserves substantial enhancement so as to ensure grant of just and reasonable compensation.

8. Learned counsel for the appellant-claimant appellant-Uma Sehgal in ***FAO-1782-2003*** has contended that the compensation awarded by the learned Tribunal is wholly inadequate and does not constitute just compensation in view of the nature of injuries suffered by the claimant. It is argued that the claimant had sustained grievous pelvic and hip injuries resulting in permanent disability and had undergone prolonged treatment and multiple surgeries at Chandigarh, Amritsar and subsequently at Sharjah. Learned counsel submits that the learned Tribunal failed to properly assess the functional disability and its impact upon the life of the claimant, who was a homemaker aged about 54 years. It is further contended that the evidence on record including disability certificate Ex.A-1, medical evidence, passports, visa documents, discharge summaries and other documents sufficiently established the treatment undertaken abroad and the expenditure incurred thereupon, however adequate compensation under the said heads was not awarded. Prayer has thus been made for enhancement of compensation under various pecuniary and non-pecuniary heads. It was thus urged that the compensation awarded deserves suitable enhancement so as to award fair, just and reasonable compensation.

9. Per Contra, the learned counsel for the respondent No7/Insurance Company in Both the FAOs, while supporting the impugned award, submits that the learned Tribunal has appreciated the evidence in its correct perspective and has passed the award strictly in accordance with law. It is argued that claims of both the injured persons have been duly considered and the amounts

awarded under various heads are just, proper and reasonable. It is further contended that no infirmity, perversity or misreading of evidence can be attributed to the conclusions arrived at by the learned Tribunal so as to warrant interference by this Court in exercise of appellate jurisdiction.

OBSERVATIONS AND FINDINGS

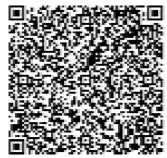
10. I have heard learned counsel for the parties and perused the complete records. On due consideration of the findings recorded by the learned Tribunal, particularly on the issue of negligence and fastening of liability, I find no reason to take a different view. The findings on those aspects are accordingly affirmed. However, the core issue arising in both these appeals pertains to the reassessment of the quantum of compensation.

11. In ***Raj Kumar versus Ajay Kumar, (2011) 1 SCC 343***, the Hon'ble Supreme Court observed that compensation in personal injury cases should be assessed keeping in view the effect of injuries on the entire life of the victim. Similarly, in ***Kajal versus Jagdish Chand, (2020) 4 SCC 413***, the Hon'ble Supreme Court emphasized that compensation in serious injury matters must be realistic and not symbolic in nature. Likewise, in ***Govind Yadav versus New India Assurance Company Limited, (2011) 10 SCC 683***, it was held that Courts are required to adopt a humane and liberal approach while assessing compensation where permanent disability has been suffered by the injured. Keeping in view the aforesaid settled principles, reassessment of compensation in the present each case is being undertaken under the following heads:-

(i) Loss of income due to permanent disability;

(ii) Medical expenses;

(iii) Pecuniary and non-pecuniary damages under other heads.



(A). **FAO NO.2108 OF 2003** ***(INJURY CASE OF ARUN KUMAR MEHRA)***

(i) Loss of income due to Permanent Disability

12. At the outset, the principal issue which arises for consideration is with regard to the extent of functional disability suffered by the appellant and its consequent impact upon his earning capacity and overall quality of life. In the present case, appellant-claimant Arun Kumar Mehra sustained grievous injuries in a motor vehicular accident dated 25.08.1997 while travelling as a passenger. The evidence available on record unequivocally establishes that the injuries suffered by the appellant were catastrophic in nature and resulted in permanent quadriplegia. The Disability Certificate (Ex.AW.8/5), duly proved by Lekh Raj (AW-1), as well as the testimony of Dr. Harvinder Singh Chhabra (AW-8), Deputy Director, Indian Spinal Injuries Centre, New Delhi, clearly establish that the appellant suffered spinal cord injury at C-5 and C-6 level resulting in 90% permanent disability.

13. Further, the record reveals that immediately after the accident, the appellant remained admitted and under treatment at PGI, Chandigarh for about 40 days and thereafter underwent prolonged treatment at Indian Spinal Injuries Centre, New Delhi for nearly nine months. He underwent multiple surgical procedures, including insertion of a metallic plate in the neck region. The appellant while appearing as AW-10 categorically deposed that, due to the spinal injuries suffered in the accident, he lost control over bowel and bladder movements, had no sensation of hot/cold or wet/dry, and had become completely immobile. He further stated that even while lying on bed he requires the assistance of attendants merely for changing sides. The evidence on record also establishes that he requires a specially modified wheelchair equipped with

foot support, castor legs and pneumatic tyres for minimal mobility.

14. A holistic appreciation of the oral as well as documentary evidence leaves no manner of doubt that the appellant has suffered 100% functional disability. The learned Tribunal failed to adequately appreciate the true nature and its devastating effect on the appellant's earning capacity and normal enjoyment of life. It is now well settled that where the injuries result in permanent quadriplegia rendering the claimant incapable of carrying on any avocation independently, the functional disability is liable to be treated as 100% for the purpose of determining loss of future earning capacity. Reference in this regard may be made to the judgment of the Hon'ble Supreme Court in ***Raj Kumar v. Ajay Kumar (Supra),*** wherein it has been authoritatively held that compensation towards loss of future earnings must correspond to the actual diminution in earning capacity resulting from the disability suffered.

15. Furthermore, the appellant was admittedly a businessman as well as an income tax assessee. The assessment orders pertaining to the assessment years 1995-96 and 1996-97 were duly proved on record by Sushil Arora (AW-3). A perusal of the said assessment orders reveals that the annual income of the appellant for the assessment year 1995-96 was assessed at ₹1,50,934/-, whereas for the assessment year 1996-97, the assessed income was ₹1,98,015/-. However, the income reflected in the income tax returns represented the earnings of the business in which the appellant was a partner and included his share in the profits of the firm. Merely because the appellant suffered injuries in the accident resulting in serious impairment of his health and mobility, it cannot be presumed that he completely lost his share and profit from the business. Nevertheless, the injuries certainly affected his active involvement in the business and deprived him of effectively discharging his personal functions in a

managerial and authoritative capacity at the senior level. Therefore, while the entire income shown in the income tax record cannot be treated as the loss of earning attributable to the accident, the loss suffered by the appellant on account of his inability to continue managing and supervising the business affairs is required to be taken into consideration. In the facts and circumstances of the case, the income of the appellant for the purpose of assessing compensation can reasonably be assessed at ₹4,000/- per month, representing the value of the services rendered by him in his managerial and authoritative role in the business at the time of the accident. The age of the claimant, as borne out from the material available on record, was approximately 49 years at the time of the accident. Consequently, in the light of the principles laid down by the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi, (2017) 16 SCC 680 and Sarla Verma v. Delhi Transport Corporation, (2009) 6 SCC 121***, the loss of future income on account of permanent functional disability is re-assessed as under:

Particulars	**Awarded by Tribunal (₹)**	**Re-assessed (₹)**
Monthly Income **(100% Functional Disability)**	3,500/-	4,000/- (As per ITR)
Monthly Income with Future Prospects **(25%)**	x	5,000/- (4,000 + 1,000)
Annual Income	42,000 (3,500 x 12)	60,000/- (5,000 × 12)
Multiplier	10	13
Loss of Future Income Due to Permanent Disability	4,20,000/- (42,000 × 10)	**7,80,000/-** **(60,000 × 13)**

(ii) Medical Expenses

16. The evidence available on record establishes that immediately after the accident on 25.08.1997, the appellant Arun Kumar Mehra suffered grievous spinal injuries including damage to cervical vein and spinal cord in segments C-5 and C-6, resulting in quadriplegia. He remained under treatment at P.G.I.,

Chandigarh for about 40 days and thereafter underwent prolonged treatment at Indian Spinal Injuries Centre, New Delhi for a period of 8 months. He was operated upon for his neck wherein a plate was inserted and his spinal cord was also operated upon by the doctors at P.G.I. The disability certificate Ex.AW-8/5) proved by Lekh Raj (AW-1), Steno to CMO, along with the testimony of Dr. Harvinder Singh Chhabra (AW-8), Deputy Director, Indian Spinal Injuries Centre, clearly establishes the seriousness of injuries and the permanent 100% disability suffered by the appellant.

17. The overall medical record, oral testimony of the appellant (AW-10) and the statements of AW-5, AW-6, AW-7 and AW-8 unmistakably establish that substantial expenditure was incurred by the appellant upon hospitalization, surgeries, medicines, physiotherapy, wheelchair, standing frame and prolonged treatment. The appellant produced voluminous documentary evidence in the shape of payment vouchers and bills Ex.A-10 to Ex.A-316 and Mark 'X' on record. However, such documents were not formally proved in accordance with the due procedure of law. No evidence was brought on record regarding the treatment allegedly received at PGI, Chandigarh except for discharge summary Ex.A-317. Nevertheless, the appellant examined several witnesses including doctors, medical store owners, a physiotherapist and one Manoj Bhardwaj, Accountant from Indian Spinal Injuries Centre, New Delhi, who proved various bills Ex.AW-7/1 and Ex.AW-7/2 along with medical documents showing expenditure of ₹3,53,253/- and ₹8,500/- incurred at Indian Spinal Injuries Centre, New Delhi. Further, Dr. Shiv Charan Singh Dhillon (AW-5) deposed that the appellant had remained under his treatment since August, 1998 and would require continued treatment throughout his lifetime to prevent contractures and deformities associated with C-5 quadriplegia. He further stated

that discontinuation of treatment would result in deterioration of the appellant's condition. The witness also proved bills Ex.AW-5/1 to Ex.AW-5/14 amounting to ₹37,600/-, apart from expenses incurred towards wheelchair, standing frame, medicines, attendants and other related necessities.

18. Keeping in view the seriousness of injuries suffered by the appellant, the fact that he has suffered 100% permanent disability, undergone multiple surgeries, prolonged hospitalization and remains dependent on others for the rest of his life, coupled with the voluminous medical record and oral evidence led on record, this Court is of the considered view that a liberal, pragmatic and humane approach is required while assessing compensation under the head of medical expenses. Consequently, this Court upheld the compensation awarded by the learned Tribunal towards medical expenses incurred by the claimants, namely a lump-sum amount of ₹3,99,353/- for past medical treatment, hospitalization, medicines, surgeries, and other related expenses already incurred by the appellant.

19. Further, the Hon'ble Supreme Court in ***Kavin v. P. Sreemani Devi,*** 2***025 SCC Online SC 1786*** has reiterated that in cases involving 100% permanent disability and lifelong dependency, compensation towards future medical treatment, attendant charges and allied expenses must be awarded keeping in view the claimant's entire life expectancy and continuing medical needs. The Apex Court further observed that reduction of compensation towards future medical expenses in such cases would be wholly unjustified where the injured claimant requires lifelong treatment and assistance. In the present case, the evidence available on record clearly establishes that the appellant would require continuous medical treatment for the remainder of his life. The appellant has specifically deposed that he incurs expenditure of

approximately ₹3,000/- per month on medicines and an equal amount towards medical consultations. Further, Dr. Shiv Charan Singh Dhillon (AW-5), while appearing in evidence, categorically stated that the appellant is suffering from C-5 quadriplegia and requires lifelong treatment, physiotherapy and medical management to prevent contractures and other deformities associated with the said condition. The witness further deposed that if such treatment is discontinued, the condition of the appellant is bound to deteriorate. The said testimony has remained unrebutted and inspires confidence. Therefore, considering the permanent nature of disability, recurring expenditure on medicines and consultations, lifelong physiotherapy and continuing medical requirements of the appellant, this Court deems it appropriate to award a further lump-sum amount of ₹20,00,000/- towards future medical treatment, consultations, physiotherapy, supportive care and other allied medical expenses, in view of the law laid down by the Hon'ble Supreme Court in ***Kavin v. P. Sreemani Devi*** **(supra).**

(iii) Other Pecuniary And Non-Pecuniary Heads

20. Apart from loss of future earning capacity and medical expenses, the appellant is also entitled to just compensation under other pecuniary and non-pecuniary heads. The principles governing such assessment have been authoritatively laid down by the Hon'ble Supreme Court in ***Raj Kumar v. Ajay Kumar (Supra)***, wherein it has been held that compensation in injury cases must adequately account for medical expenses, pain and suffering, loss of amenities, attendant charges, special diet, conveyance and future medical needs, depending upon the facts of each case. Accordingly, the appellant is held entitled to the following amounts:

<table>
<tr><th>Particulars</th><th>Awarded by Tribunal (₹)</th><th>Re-assessed (₹)</th></tr>
<tr><td>Loss of Income during Hospitalisation and treatment</td><td rowspan="7">1,76,500/-</td><td>2,00,000/-</td></tr>
<tr><td>Pain and suffering</td><td>3,00,000/-</td></tr>
<tr><td>Transportation</td><td>1,00,000/-</td></tr>
<tr><td>Special Diet</td><td>50,000</td></tr>
<tr><td>Loss of amenities</td><td>2,00,000/-</td></tr>
<tr><td>Attendant</td><td>3,00,000/-</td></tr>
<tr><td>Total</td><td>₹11,50,000/-</td></tr>
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21. Accordingly, the total compensation payable to the claimant-appellant is reassessed and recalculated under the following heads:-

Particulars	Awarded by Tribunal (₹)	Re-assessed Amount(₹)
Loss Of Future Income	4,20,000/-	**7,80,000/-/-**
Medical Expenses	3,99,353/-	**23,99,353/-**
Other Heads	1,76,500/-	**11,50,000/-**
Total	9,95,853/-	**43,29,353/-**

(B) FAO-1782-2003 (INJURY CASE OF UMA SEHGAL)

(i) Loss Of Income Due To Permanent Disability

22. The claimant-appellant was approximately 54 years of age at the time of accident. In the claim petition, it was pleaded that she was a homemaker and was also assisting her husband in business activities. The learned Tribunal while discussing the issue of income observed that no documentary evidence had been produced to establish any independent business income and consequently assessed her monthly income at Rs.2,000/- per month. This Court does not find any infirmity in the aforesaid assessment. Though no documentary evidence regarding independent business or avocation was produced by the claimant, yet it cannot be ignored that she was admittedly a housewife managing household affairs and also assisting her husband in family responsibilities and business activities.

23. The role performed by a homemaker in an Indian family structure cannot be treated as insignificant merely because such contribution is not reflected in salary slips or financial records. A housewife performs multifarious duties including cooking, cleaning, washing, management of household affairs, care of children and family members and overall maintenance of the domestic structure. Such contribution has immense economic as well as social value. The Hon'ble Supreme Court in ***Arun Kumar Agrawal v. National Insurance Company Limited, 2010 (9) SCC 218*** recognized the economic value of services rendered by a housewife and observed that gratuitous services rendered by a wife with love and affection cannot be undervalued merely because they are not compensated by formal wages. In the present case, the accident pertains to the year 1997. Keeping in view the prevailing wage structure during the relevant period and considering that the claimant was performing duties equivalent to those of an unskilled worker besides managing household affairs, the monthly income assessed by the learned Tribunal at Rs.2,000/- appears reasonable and the same is accordingly maintained.

24. The next aspect requiring consideration is the actual impact of injuries and disability suffered by the claimant upon her future functional capacity. It is well settled that physical disability mentioned in a medical certificate cannot be mechanically equated with functional disability. Functional disability depends upon the actual effect of injuries on the vocation, avocation and routine activities of the injured. In ***Raj Kumar v. Ajay Kumar (Supra)***, the Hon'ble Supreme Court held that the percentage of permanent physical disability and percentage of economic or functional disability may vary depending upon facts of each case.

25. In the present case, the disability certificate Ex.A-1 and testimony of

AW-8 Dr. Joginder Pal Singh Chhina establish that the claimant suffered permanent disability to the extent of 30%. The medical evidence reveals that the claimant suffered orthopedic injuries involving pelvic and hip region and underwent treatment for the same. The claimant no doubt would have faced difficulty in bending, prolonged walking, climbing stairs and performing strenuous household activities with the same comfort and efficiency as prior to the accident. However, the evidence on record does not establish that the said disability rendered the claimant substantially incapacitated from performing all routine household activities throughout her remaining life. No medical evidence was led to establish complete loss of mobility or inability to perform ordinary domestic work. Thus, the evidence does not justify enhancement of functional disability beyond the disability already assessed by the learned Tribunal. Rather, keeping in view the age of the claimant, nature of avocation being primarily household duties, absence of evidence regarding total incapacity and the fact that the permanent physical disability itself was assessed only at 30%, this Court is of the considered view that functional disability to the extent of 20% would meet the ends of justice. Accordingly, monthly loss of earning capacity is assessed at Rs.400/- per month i.e. 20% of Rs.2,000/-. Accordingly, the compensation under the head "loss of future income due to permanent disability" is recalculated as under:-

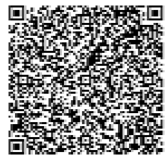
Particulars	**Awarded by Tribunal (₹)**	**Re-assessed (₹)**
Monthly income	2,000/-	2,000/-
Loss of Monthly earning Capacity	600/- **(applying Functional disability 30%)**	400/- **(applying Functional disability 20%)**
Monthly Income with Future Prospects **(10%)**	x	440/
Annual Loss of Income	7,200	5,280/- (440 x 12)

Multiplier applicable	5	11
Loss of Future Income Due to Permanent Disability	36,000/- (7,200 × 5)	**58,080/-** (5,280 × 11)

(ii) Medical Expenses Including Foreign Treatment

26. The claimant-Uma Sehgal, in the claim petition, pleaded that after the accident she remained admitted at Chandigarh Medical Centre, Chandigarh from 25.08.1997 to 04.09.1997 and continued treatment thereafter from doctors at Chandigarh and Amritsar. However, significantly, no specific amount of expenditure incurred upon such treatment was disclosed in the pleadings and even the relevant column in the claim petition regarding medical expenditure was left blank. During the course of evidence, while appearing as AW-7, the claimant materially improved her case and deposed that she was initially taken to Civil Hospital, Ambala and thereafter to PGI, Chandigarh and then shifted to Deep Hospital, Chandigarh on the oral recommendation of Dr. Neeti Rajan, where she allegedly remained admitted for about 10-12 days. She further deposed that she subsequently underwent treatment at Nayyar Hospital, Amritsar and claimed to have spent approximately Rs.51,546/- at Chandigarh and Rs.79,389/- at Amritsar. However, except for her bald oral assertions, no cogent or legally admissible evidence was produced to substantiate the alleged expenditure. No original bills, vouchers, payment receipts, discharge summaries or proved treatment record in accordance with law were brought on record. Rather, the Tribunal specifically noticed that the details of doctors and expenditure had been withheld by the claimant herself.

27. The learned Tribunal, while declining compensation under the head of medical expenses, merely observed that the claimants had withheld the exact amount spent on treatment in the pleading and, on that basis, did not award any

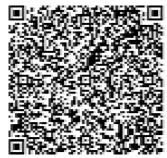


amount towards medical expenditure. This Court finds no infirmity in the said conclusion and upholds the same. Apart from the aforesaid deficiency, the evidence led by the respondents further probabilizes that the claimant and her husband had already availed reimbursement under Mediclaim policies pertaining to the very same accident treatment. RW-1 Chander Mohan, Assistant Administrative Officer, United India Insurance Company Limited, while producing the Mediclaim record, categorically deposed that a joint Mediclaim policy existed in the names of Surinder Sehgal and Uma Sehgal and that an amount of Rs.47,038/- was paid against the claim of Uma Sehgal and thereafter another amount of Rs.73,226/- was also reimbursed under the renewed policy in relation to the accident dated 25.08.1997. The witness further proved the relevant Mediclaim record produced as Ex.A/2. In the face of such evidence, and in the absence of reliable proof showing what exact expenditure, if any, remained unreimbursed, the claimant cannot seek duplication of compensation under the head of medical expenses. The principle that reimbursement already received under a Mediclaim policy is a relevant circumstance while assessing actual medical loss stands recognized by this court in ***ICICI Lombard General Insurance Co. Ltd. v. Harminder Singh Rosha, 2018 (5) RCR (Civil) 384*** *and* ***Vishal v. Bugga Singh, 2016 (3) PLR 51***. Accordingly, no separate amount towards medical expenses is liable to be awarded. It also cannot be ruled out that the original medical bills and treatment documents may have been submitted by the claimants with the Mediclaim insurer while seeking reimbursement of the medical expenses incurred.

28. The claimant further asserted that upon the advice of Dr. J.P. Singh Chhina, she travelled with her husband, one female attendant to Sharjah for further treatment and allegedly incurred expenditure running into Rs.10-12

lakhs. In support thereof, she merely produced photocopies/documents marked as Mark-X1 to Mark-X17. However, those documents were never proved in accordance with the provisions of the law. Neither any original medical record nor any witness from the concerned hospital at Sharjah was examined. Even the alleged foreign medical papers were not authenticated or attested through the competent diplomatic or consular channel. Mere marking of documents does not dispense with proof thereof. The Hon'ble Supreme Court in ***United India Insurance Co. Ltd. v. Satinder Kaur, 2021 (11) SCC 780,*** has reiterated that documents merely marked without formal proof cannot be treated as substantive evidence. The apex court has observed as under:

> *"Para 9. The High Court has also erroneously awarded compensation on the basis of the letter dated 27.06.1997 purported to have been written by the High Speed Group to the Counselor, New Zealand Consulate for issuance of a visa to the deceased Satpal Singh who was engaged by their organization since 1984, and was drawing a salary of $ 6,700 p.m.*
>
> *The Insurance Company has seriously disputed the authenticity of this letter.*
>
> *We have perused the said letter, and are inclined to accept the submission made on behalf of the Insurance Company, that the said document was not attested by the Indian Embassy at Doha, as per the Diplomatic & Consular Offices Oaths and Fees Act, 1948.*
>
> *The said document was not proved by the Claimants, and cannot form the basis of computing the income of the deceased.*
>
> *****
>
> *Consequently, we have serious doubts about the authenticity and veracity of the letter dated 27.06.1997, and decline to make it the basis for computing the income of the deceased at the time of his death.*
>
> *The High Court by relying on the letter dated 27.06.1997, awarded an amount of L 1,93,56,000 to the Claimants, which after reducing by 50% on account of contributory negligence,*



> *worked out to L 96,78,000. It is pertinent to note that the Claimants had prayed for an amount of L 50 lacs as compensation in their claim petition before the MACT. The High Court has committed an error in awarding such an exorbitant amount on the basis of an unverified document, the authenticity of which was seriously disputed.*
>
> *In the absence of any other evidence being produced by the Claimants, the income of the deceased would be required to be computed by taking his base salary at 750 Qatari Riyal p.m. in 1984 as a skilled labourer, as reflected in his Employment Contract Form.*
>
> *....(Emphasis applied)"*

29. Significantly, the nature of the documents produced itself creates serious doubt regarding their authenticity and reliability. The claimant failed to establish the source, execution, authorship, or custody of the said documents. No foundational evidence was led to explain why the originals were withheld. In the absence of certification, verification, or supporting testimony from the issuing medical authorities, the possibility of interpolation, exaggeration, or fabrication cannot be ruled out. The claimant admittedly withheld and chose not to produce them before the Tribunal. Such withholding of best evidence inevitably gives rise to an adverse inference under Section 114 of the Evidence Act. Even though proceedings before the Motor Accident Claims Tribunal are summary in nature, the foundational principles regarding proof of documents and authenticity of evidence cannot be dispensed with altogether. Further, the claimant also failed to examine either the treating doctor from Sharjah or any independent witness who could corroborate the alleged treatment and expenditure incurred abroad. Nor has she got proved any authentication of such record from concerned diplomatic or consular channel. The bald assertion regarding expenditure of Rs.10-12 lakhs, unsupported by legally admissible

evidence, cannot be accepted merely on oral averments. Consequently, the claim regarding foreign treatment expenditure was rightly discarded by the learned Tribunal and does not merit acceptance by this Court either.

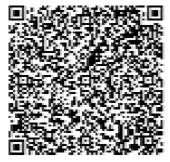
(iii) Other Pecuniary And Non-Pecuniary Heads

30. Apart from loss of future earning capacity, the appellant is also entitled to just compensation under other pecuniary and non-pecuniary heads. The principles governing such assessment have been authoritatively laid down by the Hon'ble Supreme Court in ***Raj Kumar v. Ajay Kumar (Supra),*** wherein it has been held that compensation in injury cases must adequately account for medical expenses, pain and suffering, loss of amenities, attendant charges, special diet, conveyance and future medical needs, depending upon the facts of each case. Accordingly, the appellant is held entitled to the following amounts:

Particulars	**Re-assessed (₹)**
Loss of Income during Hospitalisation and treatment	20,000/-
Pain and suffering	50,000/-
Transportation charges	50,000/-
Special Diet	30,000
Loss of amenities and enjoyment of life	50,000/-
Attendant charges	50,000/-
Total	**₹2,50,000/-**

31. Accordingly, the total compensation payable to the claimant-appellant is reassessed and recalculated under the following heads:

Particulars	**Awarded by Tribunal (₹)**	**Re-assessed Amount (₹)**
Loss of Future Income Due to Permanent Disability	36,000/-	**58,080/-**
Other Heads	1,00,000/-	**₹2,50,000/-**
Total	1,36,000/-	**3,08,080/-**



32. Accordingly, the cumulative result of both the connected FAOs is summarised as under:

FAO No.	Awarded by Tribunal (₹)	Re-assessed (₹)
2108 of 2003 (Arun Kumar Mehra)	9,95,853/-	**43,29,353/-**
1782 of 2003 (Uma Sehgal)	1,36,000/-	**3,08,080/-**

33. In the light of the above discussion and the computation undertaken hereinabove, both the present appeals are partly **allowed** to the extent of enhancement of compensation as reassessed in each individual case. The enhanced amount shall carry interest at rate of 7% per annum from the date of filing of the respective claim petitions till the realisation of the entire amount. Except for the modification of the quantum of compensation, all other findings recorded by the learned Tribunal, including those with regard to negligence, liability and mode of disbursement, shall stand affirmed.

34. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

35. A photocopy of this order be placed on the file of the connected case.

(VIRINDER AGGARWAL)
JUDGE

21.05.2026
Saurav Pathania

(i) Whether speaking/reasoned : Yes/No
(ii) Whether reportable : Yes/No