



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**  
**235** **FAO-8596-2017 (O&M)**  
**Date of decision: 16.01.2025**

**Jitender**

**...Appellant(s)**

**Vs.**

**Ravi Kumar & Others**

**...Respondent(s)**

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

Present:- Mr. Rajesh Lamba, Advocate  
Mr. Abhinav, Advocate  
Mr. Anuj Sehwat, Advocate  
Mr. Rahul Gugnani, Advocate  
for the appellant.

Mr. Dinesh Kumar Prajapati, Advocate  
for respondent No.3.

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**NIDHI GUPTA, J.**

Present appeal has been filed by the injured-claimant against Award dated 25.08.2017 passed by Motor Accident Claims Tribunal, Faridabad (hereinafter referred to as "the learned Tribunal") whereby the claim petition filed by the appellant under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as "the Act"), was partly allowed and the appellant was granted compensation of Rs.8,25,000/- with interest @ 8% per annum from the date of filing the petition till its realisation.

2. Mr. Dinesh Kumar Prajapati, Advocate puts in appearance on behalf of respondent No.3 and files Vakalatnama, which is taken on record.

3. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and evidence adduced before it concluded that the appellant was injured in a motor vehicular accident that took place on 18.01.2016 due to the rash and negligent driving of Swift car bearing registration No.HR-50D-7220 (hereinafter referred to as "the offending



vehicle') being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. Vide the impugned Award, the respondents No.1, 2 and 3 were held jointly and severally liable to pay the above said compensation.

4. Learned counsel for the appellant seeks enhancement of compensation on the ground that the appellant had suffered fracture in the accident in question. The appellant had suffered permanent disability. He remained bed-ridden for 4 months. As such, the amount of Rs.10,000/- granted for mental pain and agony, deserves to be enhanced. Moreover, while computing the compensation, the income of the appellant has been taken on the lower side. Even meagre amounts have been awarded under other heads. It is accordingly prayed that the compensation granted to the injured claimant/appellant be enhanced.

5. Learned counsel for respondent No.3/Insurance Company opposes the prayer made on behalf of the appellant and submits the learned Tribunal has awarded very just and fair compensation in the facts and circumstances of the case and no interference is called for in the impugned Award. Accordingly, dismissal of the present appeal is prayed for.

6. No other argument is raised on behalf of the parties.

7. I have heard learned counsel for the parties and perused the case file in great detail.

8. The appellant has filed the present claim petition seeking compensation of Rs.25 lakh along with interest @ 18% per annum from the date of accident till the date of realisation of amount. The appellant as PW1 in his Affidavit (Ex.PW1/A) had averred that he had incurred medical treatment expense of Rs.8 lakh. The record reveals that in granting the impugned compensation, the Id. Tribunal has examined every aspect of the matter in great detail, including the evidence brought on record by the parties. As such, as per the evidence provided, on the basis of medical bills and cash memos, it was found that the appellant



remained admitted in hospital from 08.11.2016 to 10.11.2016 incurring an expense of Rs.8,000/- vide bill (Ex.P49); and was again admitted in hospital from 15.02.2017 to 23.02.2017 incurring medical expenses of Rs.4,46,147/- as per bill (Ex.P105). In OPD treatment as per cash memos and receipts Ex.P5 to Ex.P18, Ex.P29 to Ex.P74, Ex.P76 to Ex.P115 and Ex.P119 to Ex.P129, the appellant showed medical expenses of Rs.6,61,800/-. Accordingly, the Id. Tribunal had granted Rs.6,70,000/- towards medical treatment expenses.

8.1. Further the learned Tribunal in a most just and fair manner keeping in view the fact that in the accident in question, the right leg of the petitioner had been crushed under the offending vehicle as a result of which he had sustained compound fracture below his right knee and had sustained other injuries on thigh and other parts of the body for which he "might" have remained confined in bed for 4 months the learned Tribunal had granted Rs.20,000/- @ Rs.5,000/- per month towards attendant expenses.

8.2. Further, conveyance expenses of Rs.30,000/-; and Rs.5,000/- was granted towards special diet. The learned Tribunal also took into account the fact that the appellant had claimed that he was working in SD Public School Sonhad, Hodal on a salary of Rs.20,000/- per month. Although there was no salary certificate brought on record, yet the learned Tribunal granted Rs.40,000/- towards loss of income.

8.3 Even though no permanent disability certificate was filed by the appellant, the Tribunal granted Rs.50,000/- towards loss of future income and permanent disability; Rs.10,000/- towards mental pain & agony. Thus, granting a total compensation of Rs.8,25,000/- along with interest @ 8% per annum from the date of filing the petition till its realisation.

9. From the above facts, it is clear that a very just and fair compensation has been awarded to the appellant. Nothing whatsoever has been shown to this Court that would merit enhancement of the



compensation granted to the appellant. Accordingly, in view of the discussion above, I find no case is made out that merits interference with the impugned Award. I find the compensation awarded to the appellant to be just and fair in the facts and circumstances of the case. No doubt Chapter-12 of the Act is a beneficial legislation yet, as cautioned by the Hon'ble Supreme Court, the same cannot be allowed to be treated as a windfall or a source of profit. Hon'ble Supreme Court in '**State of Haryana Vs. Jasbir Kaur**' Law Finder Doc ID # **64043** and '**Divisional Controller K.S.R.T.C. Vs. Mahadev Shetty**', (2003) 7 SCC 197, has held that the amount of compensation should be just and reasonable, it should neither be a bonanza nor a source of profit but at the same time it should not be a pittance. Thus, all that has to be determined in the facts of a given case is, that the compensation accorded is 'just'. In my considered view, in the present case, the learned Tribunal has awarded a very 'just' compensation, which is in accordance with the law laid down by the Hon'ble Supreme Court and therefore, does not warrant the interference of this Court. In case of **KSRTC Vs. Susamma Thomas 1994 Volume-II SCC 176**, the Hon'ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

10. In view of the above, present appeal is **dismissed**.
11. Pending application(s) if any also stand(s) disposed of.

**16.01.2025**

Sunena

**(Nidhi Gupta)**

**Judge**

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