

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****112****FAO-3596-2022(O&M)  
Date of decision: 08.10.2025****Pooja****...Appellant(s)****Vs.****Sunil Kumar & Others****...Respondent(s)****\*\*\*****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Ms. Lipika Dahiya Mamli, Advocate  
for the appellant.****\*\*\*****NIDHI GUPTA, J.**

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.3,19,762/- awarded by the Motor Accident Claims Tribunal, Gurugram (hereinafter 'the learned Tribunal') vide Award dated 16.05.2022 passed in MACP Case No.117 dated 19.12.2018 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act").

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the appellant had suffered injuries in the motor vehicular accident that took place on 22.08.2018 at about 11:30 am due to the rash



and negligent driving of Pick-up bearing registration No.HR-55N-5195 (hereinafter 'the offending vehicle') by respondent No.1. The offending vehicle was owned by respondent No.2 and insured by respondent No.3.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that prior to the accident, the appellant was working as a Teacher in MD Senior Secondary School, Pataudi. However, due to the accident, the appellant has been rendered permanently disabled. The learned Tribunal was in error in taking permanent disability of the appellant as only 5%; whereas in actual fact, working capacity of the appellant has decreased by approximately 50%. As such, loss of income should have been awarded by taking disability of the appellant as 50%.

4. Ld. Counsel further submits that the appellant was about 25 years old at the time of accident. Therefore, future prospects @ 50% ought to have been awarded. Only Rs.1 lakh has been awarded towards loss of amenities and prospects of marriage; whereas Rs.5 lakh should have been awarded under this head. Even less amount of Rs.50,000/- has been awarded for pain and suffering, which should have been at least Rs.2 lakh. Even the amounts awarded under the other heads are less. Even interest of 6% is on the lower side which should have been 18%. Learned counsel accordingly prays for enhancement of compensation.

5. No other argument is made on behalf of the appellant.



6. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the appellant.

7. It was the pleaded case of the appellant before the learned Tribunal that the offending vehicle was being driven *“by respondent no.1 at a very high speed and in a rash and negligent manner came from behind and struck the petitioner, as a result of which the petitioner fell down on the road and suffered injuries...”*. As per the Medical Evidence on record, in the accident in question, the appellant had suffered fracture of right leg and injury on front side of left elbow. As per the Disability Certificate (Ex.P54), the appellant had suffered 5% permanent disability which when calculated qua the entire body was reduced to 2.5%. However, it is to be noted that the said alleged disability of the appellant was not proved on record as the appellant has not examined any doctor, or any of the three doctors who were Member of the Board that assessed the disability of the appellant.

8. It has further come on record that the bill (Ex.P13) for Rs.3,78,595.05/- and bill (Ex.P11) for Rs.1,74,447.79/- were already reimbursed to the appellant by way of medical insurance. Reliance may be placed upon judgment of the Kerala High Court in **National Insurance Co. Ltd. Vs. Mohan M.S. 2008 (14) RCR (Civil) 724**, wherein it has been held that *“.....claimant cannot be allowed to make any double benefit”*. As such, the said amounts were not liable to be reimbursed to the appellant. Accordingly,



remaining sum of Rs.29,382/- was granted to the appellant towards medical treatment including medicines.

9. It has further come on record that the appellant is a TGT in MD Senior Secondary School, Pataudi and getting salary of Rs.19,700/- per month, as per her Salary Certificate (Ex.P2), which was proved from the evidence of PW1 Kamal Kant. The learned Tribunal had accordingly assessed monthly income of the appellant as Rs.19,700/-; and therefore, her annual income as Rs.2,36,400/-. Age of the appellant was proved to be 25 years from her Certificate of Secondary Education (Ex.P45), wherein her date of birth is mentioned as 10.02.1994. Keeping in view the two-and-a-half percent disability of the appellant, the learned Tribunal had awarded Rs.1,06,380/- towards disability ( $2.5\% \text{ of Rs.19,700/-} = \text{Rs.492.50/-} \times 12 \times 18 = \text{Rs.1,06,380/-}$ ). The learned Tribunal had further awarded Rs.19,000/- towards transportation, as per the receipts of transportation expenses (Ex.P38 to Ex.P44). The Tribunal further awarded compensation as follows: -

Hospitalisation/medical bills	Rs.29,382/-
Loss of future income due to permanent disability	Rs.1,06,380/-
Loss of amenities of life/prospects of marriage	Rs.1,00,000/-
Pain and suffering	Rs.50,000/-
Transportation charges	Rs.19,000/-
Special diet and attendant etc.	Rs.15,000/-
<b>Total compensation</b>	<b>Rs.3,19,762/-</b>



10. 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. 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 & Another Vs. Jasbir Kaur & Others**' 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. In the case of "**General Manager, KSRTC Vs. Susamma Thomas & Others**" 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.

11. In view of the above, present appeal is **dismissed**.

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

**08.10.2025**

Sunena

**(Nidhi Gupta)**

**Judge**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No