



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-5156-2024 (O&M)
Date of decision: 26.08.2025

Raj Kumar

...Appellant(s)

Vs.

Bharat and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Jai Singh Yadav, Advocate for the appellant.

NIDHI GUPTA, J.

CM-19557-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 174 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant/appellant, the same is allowed and delay of 174 days in filing the accompanying appeal is condoned.

FAO-5156-2024 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.2,33,636/- awarded by the learned Motor Accident Claims Tribunal, Rewari (for short "the learned Tribunal") vide Award dated 29.01.2024 passed in MACP Case No. 246 dated 01.07.2021 filed under Section 166 of the Motor Vehicles Act, 1988.



The above said compensation was awarded along with interest @ 7.5% per annum. Respondents No. 1 and 2 were held jointly and severally liable to pay the amount of compensation.

2. Brief facts of the case are that the learned Tribunal on the basis of evidence adduced by the parties concluded that the appellant/injured-claimant had suffered injuries in a motor vehicular accident that took place on 13.04.2021 at about 9:30 p.m. due to the rash and negligent driving of a Car bearing registration No. HR-36AG-7727 (hereinafter referred to as “the offending vehicle”) being driven by respondent No.1; 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, appellant was working as an Operator in a Printing Press. Income of the appellant was duly proved from the evidence of PW1 Rattan Singh who was a proprietor of Rattan Printer, who had testified that the appellant was working on a monthly salary of Rs.14,000/-. Yet, income of the claimant has been taken on the lower side as only Rs.9,600/- p.m. It is further submitted that in the accident in question, the appellant had been rendered 15% permanent disabled yet, only a sum of Rs.45,000/- has been awarded towards disability. Even the amount of Rs.40,000/- granted to the appellant under pain and sufferings is “nothing but cutting a joke”. It is contended that therefore, the Tribunal has committed grave error in inadequately assessing the compensation payable to the appellant under



all heads. Even interest has been awarded only @ 7.5% p.a., whereas it should be at least 12% p.a.

4. It is accordingly prayed that the present appeal be allowed; and impugned Award be modified by enhancing the compensation.

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

6. I have heard Id. counsel and perused the case file in detail.

7. I find no merit in the submissions made on behalf of the appellant. It was the case of the appellant before the learned Tribunal that he was working as an Operator in a Printing Press from which he was earning Rs.14,000/- p.m. No doubt, appellant had produced PW1 Rattan Singh, who had deposed that appellant was working in Rattan Printer. However, admittedly, no documentary proof of income of the appellant by way of letter of appointment, salary slip, account, book of the Printing Press et cetera, was produced either by the appellant or by PW1. In these circumstances, learned Tribunal had correctly assessed the income of the appellant as Rs.9,600/- p.m. on the basis of the minimum wage applicable to State of Haryana as on 13.04.2021 for an unskilled person.

8. Furthermore, it has been pleaded by the appellant that in the accident in question, appellant had suffered 15% permanent disability. However, even the said assertion of the appellant is found to be factually incorrect. The record reveals that it was the case of the appellant both in his claim petition and in his deposition as PW4 that in accident in question, he had sustained multiple injuries and that he had incurred medical expenses of Rs.3 lacs. As per the medical record, which is the MLR



Ex.PA and discharge summary dated 18.04.2021 Ex.PB, the appellant had sustained compound fracture of both bone right leg and had undergone operation. Further, as per the Disability certificate Ex.PZ, the 15% disability of the appellant was temporary in nature. The disability certificate was proved by PW3 Dr. Aditya Yadav, who has admitted in his cross-examination that the said disability pertains to particular limb; and reassessment has to be made after 5 years; and that the disability was temporary in nature. Further, appellant could not prove any functional disability resulting from the said disability/injuries.

9. Further, as per the medical bills Ex.C to Ex.PV, appellant had incurred medical expenses of Rs.94,436/-. In respect of the ambulance bills Ex.PW to Ex.PX, learned Tribunal had found the same to be on the higher side as the same did not specify the distance or time of visit. Accordingly, learned Tribunal had awarded lump sum of Rs.15,000/- towards transportation. Even though no bills were produced by the appellant to show that services of an attendant had been employed, yet, learned Tribunal had awarded ₹20,000/- towards hospitalisation, special diet, and Attendant charges.

10. The Tribunal had accordingly awarded compensation in the following manner: -

Sr. No.	Head of compensation	Amount
1.	Medical bills	Rs.94,436-00
2.	Pain & Sufferings	Rs.40,000-00
3.	Loss of income for two months @ Rs.9600/- p.m.	Rs.19,200-00
4.	Hospitalization, special diet, attendant	Rs.20,000-00



	etc.	
5.	Disability to the extent of 15%	Rs.45,000-00
6.	Transportation	Rs.15,000-00
	Total	Rs.2,33,636-00

11. 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 Vs. Jasbir Kaur"** Law Finder Doc ID # 64043 and **"Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty and another"** (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 case of **"General Manager, KSRTC Vs. Susamma Thomas and others"** (1994) 2 SCC 176, the Hon'ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

12. Further, a 3-Judge Bench judgment of the Hon'ble Supreme Court in the case of **"Reshma Kumari v. Madan Mohan (SC) 2013(5) Scale 160; Law Finder Doc ID # 421379;** holding that: *"Motor Vehicles Act, 1988, Section 168 - Section 168 provides that amount of compensation awarded by the Claims Tribunal which appears to it to be just - The expression, 'just' means that the amount so determined is fair, reasonable*



and equitable by accepted legal standards and not a forensic lottery - Obviously 'just compensation' does not mean 'perfect' or 'absolute' compensation - The just compensation principle requires examination of the particular situation obtaining uniquely in an individual case."

13. In view of the above, no ground is made out to interfere in the impugned Award dated 29.01.2024. The present appeal stands **dismissed.**

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

26.08.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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