



118            **IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**FAO-3686-2023 (O&M)  
Date of Decision: 16.09.2025**

**BALWAN**

**...Appellant**

**Vs.**

**MAHESH CHANDER SHARMA AND ANOTHER**

**...Respondents**

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

Present:    Mr. Vikram Rana, Advocate  
                  for the appellant.

**NIDHI GUPTA, J. (Oral)**

**CM-12093-CII-2023**

This is an application filed under Section 5 of the Limitation Act, 1963, for condonation of delay of 185 days in filing the present appeal.

For the reasons mentioned in the application, duly supported by an affidavit of the applicant-appellant, and in the interest of justice, delay of 185 days in filing the appeal is condoned.

CM is disposed of.

**FAO-3686-2023**

1.            The present appeal has been filed by the injured-claimant seeking enhancement of the compensation of Rs.1,29,496/- awarded by the learned Motor Accident Claims Tribunal, Panipat (hereinafter 'the Tribunal'), vide Award dated 12.09.2022 passed in MACP/35/2021 dated 19.01.2021 filed under Section 166 and 140 of the Motor Vehicles Act, 1988, (in short 'MV Act').



2. Brief facts of the case are that the learned Tribunal on the basis of the pleadings and oral and documentary evidence adduced by the parties concluded that the appellant had suffered injuries in a motor vehicular accident that took place on 13.07.2020 at about 6.00/7.00 pm due to rash and negligent driving by a car bearing registration No. HR26EF-4983 (hereinafter referred to as 'the offending vehicle') being driven and owned by respondent No.1; and insured by respondent No.2. Learned Tribunal awarded the above said compensation along with interest @ 9% per annum. The respondents were held jointly and severally liable to pay the compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that prior to the accident, the appellant was an agriculturist and dairy farmer. The appellant was earning Rs.30,000/- per month from agriculture and Milk Dairy. However, due to the accident, the appellant is unable to pursue the above work, or even his normal activities. It is contended that this fact has not been considered while granting the impugned compensation; and nothing has been granted towards loss of future income. Moreover, despite the fact that the appellant had remained hospitalized from 14.07.2020 to 17.07.2020, no amount has been awarded towards loss of income. It is further submitted that due to the fracture sustained by the appellant, he remained bed-ridden for a period of six months. However, no amount has been awarded towards future prospects, and very meagre compensation has been given to the appellant.

4. Learned counsel for the appellant further submits that the learned Tribunal has completely overlooked several crucial aspects, including the loss



of monthly income, loss of physical fitness, loss of future prospects, future earning capacity, as well as future medical expenses, conveyance, and attendant charges. Even the interest awarded is at a meagre rate of 9% per annum, which, it is submitted, ought not to be less than 12% per annum. It is, therefore, prayed that the impugned award be modified and the compensation awarded to the appellant be enhanced in the aforesaid terms.

5. No other argument has been made on behalf of the appellant/claimant.

6. I have heard ld. counsel and gone through the record in detail and find no merit in the submissions advanced by the ld. counsel for the appellant.

7. Perusal of the record of the case reveals that the appellant had filed the claim petition stating therein that in the accident in question he had suffered '*multiple injuries.*' However, as per the evidence brought on record, the appellant had suffered fracture in his left leg; which is duly proven from the evidence of PW-2, Dr. Vaibhav Ahuja, Orthopaedic Surgeon, Park Hospital, Panipat, who had produced the relevant record and deposed that the appellant was treated for fracture of left tibia. Further, the appellant had produced bills/receipts Ex. P-1 to P-8 for a total sum of Rs. 99, 496/- as incurred on treatment. The said amount was reimbursed to the appellant towards medical expenses. Keeping in view the nature of injury, learned Tribunal had awarded Rs.20,000/- towards pain and suffering; Rs. 5,000/- towards transportation; and Rs.5,000/- towards special diet, thereby awarding total compensation of Rs. 1,29, 496/-.



8. It has been contended on behalf of the appellant that prior to the accident he was doing agriculture work and running a dairy farm. However, no evidence has been produced by the appellant to substantiate this claim. On a specific query, learned counsel for the appellant has admitted that no evidence, such as J-forms or *jamabandis*, etc was produced by the appellant to substantiate his alleged vocation or income. As such, as income of the appellant was not proved, nothing was liable to be granted to the appellant towards loss of future income.

10. It is admitted on record that appellant has not suffered any disability in the accident in question. There is nothing on record to indicate that any future treatment resulting from the injuries sustained, is required to be undergone by the appellant. Thus, keeping in view the entirety of the above noted facts and circumstances of the case, I find no error in the compensation as awarded to the appellant.

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

12. The present petition is **dismissed**.

Pending applications, if any, stand disposed of.

**(NIDHI GUPTA)**  
**JUDGE**

**16.09.2025**

**kv**

*Whether speaking/reasoned* : Yes/No

*Whether reportable* : Yes/No