

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****215****FAO-4142-2011 (O&M)****Date of decision: 07.07.2025****Parveen Kumar****...Appellant(s)****Vs.****Makhan Singh and another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Aayush Gupta, Advocate for the appellant.

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**NIDHI GUPTA, J.**

The present appeal has been filed by the injured-claimant seeking enhancement of the compensation of Rs. 2 lacs awarded to the appellant along with interest @ 9% per annum vide the Award dated 01.02.2011 passed by the learned Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as "the learned Tribunal") in claim petition No. 69 dated 06.08.2009 filed by the claimant under Section 166 of the Motor Vehicles Act (hereinafter referred to as "the Act").

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 26.11.2008 due to the rash and negligent driving of Scorpio Jeep bearing registration No. PB-06H-6740 (hereinafter referred to as "the offending vehicle") being driven by respondent No.1; and owned by respondent No.2.



3. Learned counsel for the appellant seeks enhancement of compensation on the ground that income of the appellant has been disregarded by the learned Tribunal while computing compensation. It is submitted that the appellant was 38 years old at the time of accident and was working as System Analyst in Geeta Institute of Management and Technology at village Kanipala from where he was drawing salary of Rs.18,000/- per month. It is, however, simultaneously admitted by learned counsel for the appellant that no evidence was led by the appellant to prove his employment.

4. Learned counsel further submits that appellant had suffered 28% disability which is proven on record. However, these facts have not been taken into consideration at the time of calculation of loss of income caused to the appellant. The appellant had even spent Rs.2 lacs on his treatment. Therefore, compensation of Rs.2 lacs awarded to the appellant is on the lower side. It is accordingly prayed that the present appeal be allowed; and impugned compensation be enhanced.

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

6. I have heard learned counsel for the appellant/claimant and perused the case file in great detail.

7. Perusal of the record of the case shows that it was a pleaded case of the appellant before the learned Tribunal that he was employed as System Analyst in Geeta Institute of Management and Technology at village Kanipala from where he was deriving income of Rs.18,000/- per month. It has however been admitted by learned counsel for the appellant



that he had failed to lead any evidence to prove his income and/or employment. It is further pleaded by the appellant that in the accident in question, the appellant had "*suffered multiple injuries including fractures.*" The record reveals that the appellant had suffered fracture of right femur and right-side pelvis (hip joint); and that the appellant had remained hospitalized till 30.12.2008. The appellant had further pleaded that he had remained bedridden till 30.04.2009; that he had spent Rs.2 lacs on his treatment; and that he had suffered 28% disablement in the accident in question. However, the record reveals that appellant had produced the disability certificate only as Mark P1. The appellant had produced medical bills to the tune of Rs.96,000/- approximately which was duly reimbursed by the Tribunal. The appellant had failed to prove any future loss of income.

8. In view of the above facts and circumstances, I find compensation of Rs.2 lacs awarded to the appellant is just and fair. Nothing has been shown to this Court that would merit the enhancement of the awarded compensation.

9. Accordingly, the present appeal is hereby **dismissed**.

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

**07.07.2025**

Divyanshi

**(NIDHI GUPTA)  
JUDGE**

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