

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****115****FAO-2741-2023 (O&M)
Date of decision: 07.08.2025****Pooja****...Appellant(s)****Vs.****Sandeep and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Parth Aneja, Advocate for the appellant.

NIDHI GUPTA, J.**CM-9893-CII-2023**

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 106 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is supported by an affidavit of the applicant/appellant, the same is allowed and delay of 106 days in filing the accompanying appeal is condoned.

FAO-2741-2023 (O&M)

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.47,000/- awarded by the Id. Motor Accident Claims Tribunal, Karnal (for short "the learned Tribunal") vide Award dated 01.09.2022 passed in MACP Case No. 40 dated 12.03.2021 filed under Sections 166 and 140 of the Motor Vehicles Act, 1988.



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 sustained injuries in a motor vehicular accident that took place on 20.11.2019 due to the rash and negligent driving of a Swift Car bearing registration No. HR-05-AN-1079 (hereinafter referred to as “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The above said compensation was awarded along with interest @ 9% per annum. Respondent No.3-Insurance Company is held to be liable to pay the amount of compensation.

3. Learned counsel for the appellant seeks enhancement of compensation on the ground that the income of the appellant has been taken on the lower side. It is submitted that the appellant had proved on record that she was earning Rs.10,000/- p.m. as she was self employed. However, due to injuries suffered by her, she was under treatment for long time. It is further submitted that very less amount of only Rs.20,000/- for pain and suffering; and only Rs.18,000/- for hospitalization, special diet etc. has been given. Keeping in view the long treatment of the appellant, the learned Tribunal ought to have awarded atleast Rs.2 lacs on account of pain and suffering; Rs.1 lacs for special diet and attendant charges; and Rs.50,000/- for transportation. It is also submitted that interest @ 9% per annum is on the lower side, and the same should be atleast 12%.

4. It is accordingly prayed that the present Appeal be allowed; and the impugned Award be modified in the above manner.



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. Perusal of the record of the case shows that it was the pleaded case of the appellant before the learned Tribunal that prior to the accident, she was hale and hearty girl of 18 years of age. She was a student and was also providing domestic help to the family. She was earning Rs.10,000/- per month. However, after the accident, she has *“become permanently disabled, ruined and crippled lady. She is unable to perform her normal routine work, even self care.”* Although these averments have been made by the appellant, yet, there is no mention of the specific injuries suffered by her in the accident in question. It is only generally stated that in the accident in question, the appellant had received multiple injuries on various parts of the body. Nothing is specifically mentioned in respect of the alleged injuries suffered. Even no medical record is produced to prove the medical expenses allegedly incurred by the appellant. All these factors cast shadow of doubt on the exaggerated claims made by the appellant. Accordingly, it is recorded by the Id. Tribunal in para 25 of the impugned Award, as follows:

“25. In order to prove the injuries of claimant Pooja, learned counsel for the petitioner tendered in evidence copy of M.L.R of injured Pooja, Ex. P14, copy of treatment summary of injured Pooja, Ex.P15 and copy of medico-legal case summary of injured Pooja, Ex.P16. Perusal of these documents show that after the accident, the injured/claimant Pooja was taken to Government Hospital, Karnal, where she was treated and then, she was taken to Government Medical College and



Hospital, Sector-32, Chandigarh, where she remained admitted from 20.11.2019 till 27.11.2019. Though, the petitioner has pleaded that she spent a sum of Rs.50,000/- on her treatment, medicines, special diets, transportation etc., but the petitioner has failed to produce any medical bill/receipt to prove that she spent any amount during her treatment and on medicines etc. and thus the petitioner is not entitled for any amount on account of expenses incurred on treatment and medicines.”

8. Appellant has also pleaded that she was earning Rs.10,000/- p.m. from her self employment. However, no document was produced by her to show either her income or her occupation. As such, learned Tribunal had treated her as a domestic helper and had taken her monthly contribution to be Rs.4,000/- p.m. I find no error in the same. Learned Tribunal had further awarded Rs.20,000/- towards pain and suffering; Rs.18,000/- towards hospitalization, special diet etc; and Rs.5,000/- for transportation. Accordingly, the learned Tribunal had awarded total compensation of Rs.47,000/-.

9. Given the particular facts of the case, I find no ground is made out to interfere in the impugned Award dated 01.09.2022.

10. The present appeal stands **dismissed**.

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

07.08.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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