



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-4061-2025 (O&M)

Date of Decision:21.07.2025

Rajat Bansal

....Appellant

Versus

Janak and another

....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

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

NIDHI GUPTA, J.

1. Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.83,308/- awarded by the learned Motor Accident Claims Tribunal, Jind (hereinafter 'the learned Tribunal') vide impugned Award dated 03.05.2025 passed in MACP Case No. 52 dated 15.03.2024, filed under Section 166 of the Motor Vehicles Act, 1988.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and oral & documentary evidence adduced before it concluded that the injured-claimant had suffered injuries in a motor vehicular accident that took place on 09.02.2024 at about 8:40 A.M., due to the rash and negligent driving of TATA VISTA Car bearing registration No. HR-12-S-5637 (for short-'the offending car') being driven and owned by respondent No. 1 and insured by respondent No. 2. The aforesaid compensation was granted along with interest @ 9% per annum. The respondents No.1 and 2 were held jointly and severally liable to pay the amount of compensation.



3. Learned counsel for the appellant seeks enhancement of compensation, *inter alia*, on the ground that the Id. Tribunal had awarded a very meager amount under the Heads of pain and suffering, transportation, attendant charges and special diet. It is submitted that the Tribunal has erred in not granting any compensation to the injured-appellant under the Heads of loss of expectancy of life and loss of enjoyment of life. It is submitted that the appellant had suffered grievous Lumbar Spine Injury in the accident in question, yet nothing has been awarded to the appellant under the aforesaid heads. The appellant had even remained hospitalized for many days after the accident. It is accordingly, prayed that the impugned Award be modified and compensation awarded to the appellant be enhanced.

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

5. I have heard Id. Counsel and perused the case file. I find no merit whatsoever in the submissions made on behalf of the appellant.

6. Perusal of the record reveals that it was the pleaded case of the appellant before the learned Tribunal that the appellant along with one Amit (claimant in connected MACP No. 53 dated 15.03.2024 - which is also disposed of by the learned Tribunal, vide common impugned Award dated 03.05.2025) were going from their house on the motorcycle of Amit bearing registration No. HR-31-P-0746. The said motorcycle was being driven by the appellant while Amit was riding pillion. It was alleged that at about 8:40 A.M., when they crossed Christ Raja Convent School, Narwana, Jind, respondent No. 1 while driving the offending car at high speed in a rash and negligent manner came from behind and hit their



motorcycle, as a result of which, the appellant fell on the road whereas Amit got entangled underneath the car. It is pleaded that respondent No. 1 had stopped the offending car at some distance and the passersby took out Amit from underneath the car and shifted both, the appellant and Amit, to Metro Hospital, Jind for treatment. FIR No. 0068 dated 09.02.2024 under Sections 279, 337 and 338 PC was registered at Police Station City, Jind regarding the accident in question on the statement of Amit Kumar. It was further pleaded on behalf of the appellant that due to his serious condition, the appellant was shifted from Metro Hospital Jind to O.P. Jindal, Institute of Cancer and Cardiac Research Hospital, Hisar on 10.02.2024 where he remained admitted up to 12.02.2024. It was pleaded that the appellant had spend a sum of ₹6,00,000/- on his treatment, transportation, special diet etc., and more amount is likely to be spent on his treatment even in future. Further, it was pleaded that the appellant was earning ₹40,000/- per month by doing scrap business, but due to injuries suffered by him, he has become permanently disabled and was even unable to do his daily routine work. Accordingly, a sum of ₹ 80 lakhs was claimed as compensation.

7. Despite the exaggerated claims made by the appellant in respect of the injuries allegedly suffered by him in the accident question, as per the evidence on record, at the time of admission in Metro Hospital Jind the appellant had suffered '*soft tissue injury with severe lower backache*'. At the time, the appellant was also complaining of pain in facial region and chest. The appellant was discharged from the said hospital on 10.02.2024; whereafter he was shifted to Jindal Hospital,



Hisar. As per discharge summary (Ex. P-12) received from Jindal Hospital, Hisar, the appellant was admitted in the said hospital on 11.02.2024 and was found to have suffered '*spine injuries which were simple in nature*'/Lumbar Spine Injury. Accordingly, appellant was discharged from the hospital on 12.02.2024 itself. As per the MRI conducted on the appellant, the normal curvature of LS Spine was found straightened; Multilevel Posterior Disc Bulges at L1-L2, L3-L4, L4-L5 and L5-S1 levels compressing Anterior Tachal Sac; Posterior Annular Tear at L4-L5 and L8-S1 levels were found. The appellant was advised complete bed rest and physiotherapy. Although, the appellant has contended that he had suffered permanent disability, however, there is nothing on record to remotely indicate anything to this effect. Even the appellant has produced no Disability Certificate. Thus, Id. Tribunal has awarded ₹20,000/- as compensation towards pain and suffering. Given the above undisputed facts, I find no error in the same.

8. Further, notwithstanding the exorbitant medical expenses claimed to have been incurred by the appellant to the tune of ₹6,00,000/-, the appellant has produced medical bills for only ₹33,308/-; which were duly reimbursed by the Tribunal. The appellant has demanded ₹1,00,000/- towards transportation, special diet, attendant charges etc. However, the Tribunal has awarded ₹20,000/- for the same even though no bills were produced by the appellant in order to show any expenses incurred by him under the said Heads. Thus, except for bald statements, no proof has been produced by the appellant in support of his far-fetched claims which seem to be highly exaggerated.



9. It was also claimed by the appellant that he was doing the business of scrap and earning ₹40,000/- per month. However, no proof of income was produced by the appellant. Yet, the Tribunal had assessed the income of the appellant as ₹10,924/- per month on the basis of Minimum Wages Notification dated 22.02.2024, issued by the Labour Commissioner, Haryana. Further, although nothing was shown to suggest that any loss of income had accrued to the appellant due to the accident in question, yet, the Tribunal has granted ₹10,000/- towards loss of income. Thereby granting total compensation of ₹83,308/- along with interest @ 9% per annum.

10. It has been contended by learned counsel for the appellant that nothing has been awarded towards loss of enjoyment of life. However, the appellant has not shown anything to indicate that he has suffered any lack in the enjoyment of life due to the accident. It has also been contended that nothing has been awarded towards life expectancy. However, the appellant has not suffered any permanent disability, let alone any danger to his life expectancy. As such, nothing is liable to be awarded to the appellant under the aforesaid heads.

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

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

21.07.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No