



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**FAO-4249-2022 (O&M)
Date of decision: 04.09.2025**

Deepak Sharma

...Appellant(s)

Vs.

Shamsher Singh and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ankush Dubey, Advocate for
Mr. Sudhir Rana, Advocate for the appellant.

NIDHI GUPTA, J.

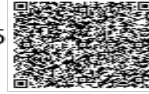
CM-12944-CII-2022

Prayer in this application filed under Section 151 CPC is for condonation of delay of 129 days in refiling the accompanying appeal.

2. 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 129 days in refiling the accompanying appeal is condoned.

FAO-4249-2022 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.2,58,000/- awarded by the learned Motor Accident Claims Tribunal, Rewari (for short "the learned Tribunal") vide Award dated 25.02.2022 passed in MACP Case No. 1256 dated 21.12.2018 filed under Section 166 of the Motor Vehicles Act, 1988.

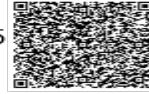


2. Brief facts of the case are that the Id. Tribunal on the basis of evidence adduced by the parties concluded that the appellant had suffered injuries in a motor vehicular accident that took place on 14.11.2018 due to the rash and negligent driving of a Three-wheeler bearing registration No. HR-47C-0601 (hereinafter referred to as “the offending vehicle”) being driven by respondent No.1; owned by respondents No. 2 and 3; and insured by respondent No.4. The above said compensation was awarded along with interest @ 9% per annum. All the respondents were held jointly and severally liable to pay the amount of compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that very less compensation has been awarded to the appellant as nothing has been awarded towards loss of marriage prospects. It is further submitted that prior to the accident, appellant was working as a Data Operator. In the accident in question, both legs of the appellant had been fractured yet, only Rs.20,000/- has been awarded towards pain and suffering. It is accordingly prayed that the present appeal be allowed; and the compensation be enhanced.

4. No other argument is raised on behalf of the appellant. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the appellant.

5. The case as pleaded by the appellant before the learned Tribunal in the claim petition is that on 14.11.2018, appellant was going to his village in a three-wheeler. At about 06:00 a.m., when the three-wheeler



just crossed a distance of about 100 yards flyover from Nai Wali Chowk, in the meantime, the offending vehicle bearing registration No.HR-47C-0601 came there from opposite side, which was being driven by respondent No.1 in a rash and negligent manner and directly hit his vehicle into the three-wheeler from its front side. Due to this accident, the appellant and other occupants of the three-wheeler sustained injuries on their person. From the place of accident, injured was taken to Civil Hospital, Rewari for treatment. The matter was reported to the police and FIR No.389 dated 14.11.2018 under Sections 279, 337, 338 IPC was registered at Police Station City, Rewari on the statement of injured-eyewitness Pawan Kumar.

6. From the above, it is clear that appellant has nowhere mentioned that in the accident in question, he had suffered fracture of both the legs. All that has been stated in the claim petition is that injuries were suffered by the appellant. A perusal of the entire case record shows that all that has been stated is that the appellant had sustained "*multiple serious injuries*". Be that as it may, the record further reveals that appellant had suffered 18.88 % permanent disability as evident from Disability Certificate Ex.P5. As per the Disability Certificate, the disability is not for the whole body but only for the particular limb. Accordingly learned Tribunal had awarded Rs.1,50,000/- on account of loss of future income due to disability. Learned Tribunal had also awarded Rs.20,000/- for pain and suffering. In the circumstances, I find the said amounts to be just and fair.



7. It has further been pleaded by the appellant that he had remained admitted in hospital from 14.11.2018 to 20.11.2018 and had spent an amount of Rs.1,50,000/- on his treatment, transportation, special diet, etc. However, the appellant had produced medical bills only for an amount of Rs.57,437/- on his treatment. Accordingly, learned Tribunal had rounded off the said figure to Rs.58,000/- and awarded the same to the appellant towards medical expenses. Ld. Tribunal had further awarded Rs.10,000/- as attendant charges; Rs.10,000/- for special diet; and Rs.10,000/- for transportation; thereby granting compensation in the following manner:-

Sr. No.	Nature	Amount
1.	Medical Expenses	Rs.58,000/-
2.	Pain and sufferings	Rs.20,000/-
3.	Attendant charges	Rs.10,000/-
4.	Special diet	Rs.10,000/-
5.	Transportation Expenses	Rs.10,000/-
6.	Disability and loss of future income	Rs.1,50,000/-
	Total	Rs.2,58,000/-

8. 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.

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

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

04.09.2025

Divyanshi

(NIDHI GUPTA)

JUDGE

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