



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**FAO-3848-2025 (O&M)
Date of decision: 08.10.2025**

Inder Jit

...Appellant(s)

Vs.

Omkar and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rahul Deswal, Advocate for the appellant.

NIDHI GUPTA, J.

CM-11996-CII-2025

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 176 days in filing the accompanying appeal.

2. Heard.

3. 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 176 days in filing the accompanying appeal is condoned.

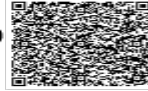
FAO-3848-2025 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.70,527/- awarded by the learned Motor Accident Claims Tribunal, Karnal (for short "the learned Tribunal") vide Award dated 05.09.2024 passed in MACP Case No. 319 dated 07.05.2021 filed under Sections 166 and 140 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 25.03.2021 due to the rash and negligent driving of a Truck bearing registration No. UP-17AT-6760 (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 @ 6% per annum. All the respondents were jointly and severally held liable to pay the amount of compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that in the accident in question, the appellant had suffered fracture of humerus left side. Prior to the accident, the appellant was working as a Cleaner of the Truck. However, due to rods/implants inserted in the humerus of the appellant, he is now unable to do his work. After the accident, appellant was bedridden and dependent for routine activities for a considerable period of time yet, nothing has been awarded towards attendant charges. Even though the appellant is not permanently disabled, however, the injuries sustained by him in the accident had led to a long-term impact on his physical condition and medical records indicate need for continued treatment; follow up and supportive care. However, nothing has been awarded even towards future medical treatment. He accordingly prays 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.

5. It was the pleaded case of the appellant before the learned Tribunal that prior to the accident, he was earning Rs.20,000/-p.m.; that after discharge, he had visited hospital as an OPD patient; and that he was still under treatment and had spent Rs.5 lacs on his treatment. However, as per the discharge summary of the appellant Ex.P1 and the statement of PW3 Dr. Hardeep Singh, appellant had suffered fracture of humerus left side and he had remained hospitalized from 26.03.2021 till 30.03.2021 i.e. for 5 days. As per the record, appellant has suffered no permanent disability. As per the receipt Ex.P3, appellant had paid only Rs.29,000/- towards his hospitalisation. Appellant had further spent Rs.5,750/- towards lab charges and X-Ray and anaesthesia bills Ex.P4 to Ex.P6. Appellant had also produced medical bills Ex.P35 to Ex.P37 for Rs.23,118/-; thereby incurring total expenses of Rs.57,868/- on his medical treatment; which was duly reimbursed by the Tribunal. Although it was the pleaded case of the appellant that he was earning Rs.20,000/- per month, however, in the absence of any proof, learned Tribunal had taken income of the appellant as Rs.15,954/- p.m. as per the prevailing DC rates for the financial year 2021-2022. Thus, for the 5 days of hospitalisation, the learned Tribunal calculated loss of income of the appellant to be Rs.2,659/- (Rs.15,954 x 5/30 days). There is nothing on record to indicate that appellant had incurred any expenses for transportation or Attendant or future treatment. In fact, it has been admitted by learned counsel for the appellant that the Discharge



Summary does not even mention that any rods or implants were inserted in the humerus of the appellant. Accordingly, I find no error in the compensation awarded by the Learned Tribunal in the following manner: -

Sr. No.	Nature	Amount
1.	Medical expenses	Rs.57,868/-
2.	Loss of income	Rs.2,659/-
3.	Transportation	Rs.5,000/-
4.	Special diet	Rs.5,000/-
	Total amount	Rs.70,527/-

6. 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.

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

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

08.10.2025

Divyanshi

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No