



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**122**

**FAO-3726-2025 (O&M)  
Date of decision: 29.08.2025**

**Manoj Kumar**

**...Appellant(s)**

**Vs.**

**Rahul Jain and another**

**...Respondent(s)**

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Anil Kumar Rana, Advocate for the appellant.

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**NIDHI GUPTA, J.**

**CM-11808-CII-2025**

Prayer in this application filed under Section 151 CPC is for condonation of delay of 109 days in refiling the accompanying appeal.

2. For the reasons mentioned in the application which is duly supported by an affidavit of clerk of learned counsel the applicant/appellant, the same is allowed and delay of 109 days in refiling the accompanying appeal is condoned.

**FAO-3726-2025 (O&M)**

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.1,28,000/- awarded by the learned Motor Accident Claims Tribunal, Gurugram (for short "the learned Tribunal") vide Award dated 12.09.2024 passed in MACP Case No. 120 dated 02.08.2021 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 13.06.2020 due to the rash and negligent driving of a Vehicle bearing registration No. HR-20Z-3031 (hereinafter referred to as “the offending vehicle”) being owned and driven by respondent No.1; and insured by respondent No.2. The above said compensation was awarded along with interest @ 6% per annum. Respondent No. 2 was held liable to pay the amount of compensation.

3. Learned counsel for the appellant submits that prior to the accident in question, the appellant was in very good health and was working as a Delivery Boy. Due to the accident, the appellant had received multiple injuries all over his body and had been rendered permanently disabled. Therefore, after the accident, appellant is unable to do work properly. Even sufficient amount has not been awarded towards medical expenses, special diet, transportation, attendant et cetera. It is accordingly prayed that *“the medical expenses related compensation must be enhanced from Rs. 70,000 to a total of Rs. 1,20,000, the compensation under the head of 'Pain and Suffering' be enhanced from Rs. 50,000 to Rs. 1,00,000, 'Loss of Amenities' must be granted as Rs.20,000 and the 'loss of income during treatment' must be granted as Rs. 54,000 as the leg fracture cannot be healed within one month and it takes more than 6 months at least for the leg to be healed so three months' salary should be given under this head.”*



4. It is accordingly prayed that the present appeal be allowed; and the compensation be enhanced 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. I find no merit in the submissions made on behalf of the appellant. In the claim petition, appellant has pleaded that in the accident in question the appellant had *“suffered grievous and multiple injuries all over his body and suffered serious fracture below left knee and suffered serious injuries in shoulders, waist and elbow.”* It has further been pleaded that after the accident *“the blood was oozing out from his body.”* It has also been submitted that the appellant had suffered permanent disability. However, the record reveals that appellant has suffered no disability; let alone any permanent disability. Even no disability certificate was produced by the appellant. As per the treatment record Ex.PW4/A, appellant had remained hospitalized for 4 days from 14.06.2020 to 17.06.2020. Although, it was the claim of the appellant that he had spent Rs.5 lacs on his treatment however as per the medical bills produced Ex.PW4/B, appellant spent Rs.28,589/- on treatment.

8. Keeping in view the above facts, learned Tribunal had awarded compensation of Rs.1,28,000/- in the following manner:-

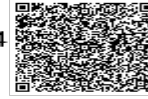
Sr. No.	Head of compensation	Amount
1.	Medical Expenses, Special Diet, transportation, attendant charges	Rs.60,000/-
2.	Loss of earning during the period of treatment	Rs.18,000/-
3.	Loss of amenities, expectation of life, pain	Rs.50,000/-



	and sufferings, loss of consortium	
	<b>Total</b>	<b>Rs.1,28,000/-</b>

9. 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.

10. Further, a 3-Judge Bench judgment of the Hon'ble Supreme Court in the case of ***"Reshma Kumari v. Madan Mohan (SC) 2013(5) Scale 160; Law Finder Doc ID # 421379"***; holding that: *"Motor Vehicles Act, 1988, Section 168 - Section 168 provides that amount of compensation awarded by the Claims Tribunal which appears to it to be just - The expression, 'just' means that the amount so determined is fair, reasonable and equitable by accepted legal standards and not a forensic lottery - Obviously 'just*



*compensation' does not mean 'perfect' or 'absolute' compensation - The just compensation principle requires examination of the particular situation obtaining uniquely in an individual case."*

11. Accordingly, the present appeal is hereby **dismissed**.
12. Pending application(s) if any also stand(s) disposed of.

**29.08.2025**

Divyanshi

**(NIDHI GUPTA)  
JUDGE**

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