

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****116****FAO-5108-2023(O&M)
Date of decision: 09.09.2025****Sushil Kumar****...Appellant(s)****Vs.****Yogender & Another****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Maneet Kaushik, Advocate
for the appellant.***********NIDHI GUPTA, J.**

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.52,900/- awarded by Motor Accident Claims Tribunal, Sonipat (hereinafter 'the learned Tribunal') vide Award dated 20.05.2023 passed in MACP Case No.417 dated 30.11.2021 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act").

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the appellant had suffered injuries in a motor vehicular accident that took place on 04.12.2020 at about 8 am due to the rash and negligent driving of Wagon R car bearing registration No.HR-10T-3846 ("the offending vehicle") by respondent No.1. The offending vehicle was owned by



respondent No.1 and insured by respondent No.2. The compensation has been awarded along with interest @ 7.5% per annum. The respondents were held jointly and severally liable to pay the aforesaid compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that in the accident in question, the appellant had received multiple grievous injuries as a result of which the appellant had to take medical leave for six months, yet meagre amount of Rs.20,000/- has been awarded towards loss of income. It is submitted that the learned Tribunal wrongly awarded Rs.20,000/- on account of loss of income during treatment wherein as per Ex.P10 Sushil Kumar was on medical leave from 04.12.2020 to 02.06.2021, which was duly proved by Ex.P12 (non-attending certificate) and Ex.P13 Salary Record of MACO Pvt. Ltd. A meagre amount of Rs.2,000/- was awarded on account of pain & suffering. It is further submitted that nothing has been awarded towards attendant charges.

4. It is accordingly prayed that the present appeal be accepted; impugned Award dated 20.05.2023 passed by the Tribunal be modified and the appellant be awarded the compensation as claimed in the original Claim Petition along with interest and costs throughout, in the interest of justice.

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

6. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions made on behalf of the appellant.



7. In the accident in question, the appellant had suffered the following injuries:-

“R.T.A. Poly trauma, right pneumo hemothorax, fracture right clavicle fracture left forearm found.”

8. Admittedly, the appellant suffered no disability whatsoever.

Although it was pleaded by the appellant that he had remained on medical leave from 04.12.2020 up to 02.06.2021, however, as per the evidence on record, he had been hospitalised from 04.12.2020 up to 16.12.2020. It was the pleaded case of the appellant that prior to the accident, the deceased was earning Rs.12,043/- per month from his official duty; Rs.10,000/- per month from dairy farming; and Rs.20,000/- per month from agricultural work. Despite repeated Court queries, learned counsel for the appellant has been unable to apprise this Court as to what official duty was the appellant doing. Record however reveals that as per his own admission, the appellant had received *“...the amount of Rs.10,707/- on 02.09.2021, Rs.26,634/- on 14.10.2021 and Rs.7,566/- on 09.07.2021 from ESI on medical treatment expenses of Cygnus Hospital, Sonipat out of total bill amount...”*. Nevertheless, as per the Discharge Card (Mark 1), the appellant had suffered fracture. Keeping in view the above facts, the learned Tribunal had awarded compensation of Rs.20,000/- for medical treatment; Rs.5,000/- for special diet; Rs.5,000/- for transportation; and Rs.2,000/- for mental agony, pain & suffering; thereby granting total compensation of Rs.52,900/-.



9. In view of the undisputed facts noted above, I find no ground is made out to interfere in the impugned Award. Present appeal accordingly stands **dismissed**.

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

09.09.2025
Sunena

(Nidhi Gupta)
Judge

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