



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-5248-2024 (O&M)
Date of decision: 20.08.2025

Parkash Singh

...Appellant(s)

Vs.

Akash Bhardwas and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Som Nath Saini, Advocate for the appellant.

NIDHI GUPTA, J.

CM-19889-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 73 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 73 days in filing the accompanying appeal is condoned.

FAO-5248-2024 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.6,32,000/- awarded by the learned Motor Accident Claims Tribunal, SAS Nagar, Mohali (for short "the learned Tribunal") vide Award dated 01.04.2024 passed in MACT Case No. 98 dated 14.12.2022 filed under Section 166 of the Motor Vehicles Act, 1988. The above said compensation was awarded along with interest @



7% per annum. All the respondents were held jointly and severally liable to pay the amount of compensation.

2. Brief facts of the case are that the learned Tribunal on the basis of evidence adduced by the parties concluded that the appellant/injured-claimant had suffered injuries in a motor vehicular accident that took place on 10.08.2022 at about 2:30 p.m. due to the rash and negligent driving of a Motorcycle bearing registration No. HR-01-AW-5520 (hereinafter referred to as “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3.

3. Learned counsel for the appellant seeks enhancement of compensation by *inter alia* submitting that learned Tribunal failed to consider that appellant was 52 years old at the time of accident and was working as Sweeper at Toll Plaza Dappar at Zirakpur and was earning more than Rs.20,000/- p.m. yet his income has only been taken as Rs.9,000/- p.m. Moreover, in accident in question, the appellant has suffered 50% disability in his right leg because of which he is unable to do work and has lost his job. Yet learned Tribunal had awarded only Rs.15,000/- towards attendant charges and only Rs.40,000/- towards future medical expenses. Even interest @ 7% is on the lesser side and deserves to be increased. It is accordingly prayed that the present Appeal be allowed; and the impugned Award be modified and compensation paid to the appellant be enhanced.

4. No other argument is raised on behalf of the appellant. I have heard learned counsel and perused the case file in great detail.



5. I find no merit in the submissions made on behalf of the appellant. The appellant in his claim petition has pleaded that in the accident in question, appellant had received injuries, and his right leg was broken from two places in between knee and ankle and he also received other multiple injuries on his body. In his evidence, appellant as PW4 had deposed by way of his Affidavit Ex.PW4/A that in the accident, his right leg was broken from 2 places between knee and ankle, for which he had undergone operation in which rod was fixed in his right leg and he is still under treatment. Appellant had further stated that he had received other multiple injuries on his body. Appellant had produced disability certificate Ex.P15, as per which he has suffered 50% temporary disability in relation to his right leg pursuant to which a Unique Disability ID Ex.P16 which was valid from 25.08.2023 to 25.08.2026 was issued. Further, PW1 Dr. VPS Sandhu, Orthopedics Surgeon, Indus International Hospital, Derabassi, has deposed that appellant had suffered compound grade 3B fracture both bones right leg with bone loss with blunt trauma chest and the patient was operated on 12.8.2022. The surgery done was interlock nailing right tibia with flap coverage of the leg. The patient was discharged on 19.8.2022. This witness has proved on record the copy of discharge summary of claimant/injured as Ex.P1.

6. From the above facts and evidence, it is clear that the appellant had suffered only 50% temporary disability in his right leg for a period of 3 years upto 25.08.2026. Accordingly, Id. Tribunal had awarded



Rs.1,50,000/- qua his temporary disability under the head of loss of income.

7. As regards income, although the appellant had contended that he was earning Rs.20,000/- from his job as Sweeper at Toll Plaza Dappar at Zirakpur, however he was unable to prove the same. No documentary proof of his work or earning was produced by the appellant. Accordingly, learned Tribunal had taken appellant as a labourer and his income was determined to be Rs.9,000/- p.m. It was further shown on record that appellant had remained hospitalized from 10.08.2022 till 19.08.2022 as evident from discharge summary Ex.P1. Appellant had also produced medical bills for Rs.3,61,669/- all of which was reimbursed by the Tribunal. Accordingly, Id. Tribunal has calculated the compensation in the following manner: -

Sr. No.	Age	52 years
1.	Period of Hospitalization	10.08.2022 to 19.08.2022
2.	Occupation and income	Labourer, Rs.9000/- per month
	Pecuniary Expenses	Rupees
i)	Medical expenses	Rs.3,61,669/-
ii)	Future medical expenses	Rs.40,000/-
iii)	Special diet	Rs.15,000/-
iv)	Transportation charges	Rs.10,000/-
v)	Attendant charges	Rs.15,000/-
vi)	Pecuniary loss of income	Rs.1,50,000/-
	Non-Pecuniary Expenses	
i)	Physical pain and mental agony and amenities of life	Rs.40,000/-
	Total	Rs.6,31,669/- (Rounded off Rs.6,32,000/-)

8. It maybe pointed out that even though appellant has produced no proof of any expenses incurred for transportation or



Attendant charges, learned Tribunal has awarded compensation for the same. From the above facts, it is clear that a very just and fair compensation has been awarded to the appellant.

9. 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;*** has held 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.”*

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

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

20.08.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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