

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

FAO 1170/2022 (O&M)

Date of decision: 20.02.2023

Ranbir @ Ranbir Singh

.....Appellant.

Vs.

Balkar Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Hardeep Singh Dhillon, Advocate for the appellant.

Nidhi Gupta, J.

CM 3505-CII/2022

Since there is delay of 161 days in filing the appeal, aforesaid application has been filed seeking condonation of said delay. The application is supported by an affidavit of the appellant.

For the reasons stated in the application, the same is allowed and delay of 161 days in filing the appeal is condoned.

Main Appeal.

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.10,000/- granted vide Award dated 20.9.2019 passed by Motor Accident Claims Tribunal, Ambala (hereinafter referred to as 'the Tribunal') in Claim Petition No.421/2018 filed u/s 166 of the Motor Vehicles Act,1988.

On the basis of pleadings and evidence led before it the Ld. Tribunal concluded that the appellant was injured in a motor vehicular accident that took place on 11.11.1994 due to rash and negligent driving of Truck bearing Registration No. HR-07-A-2301 (hereinafter referred to as the ‘offending vehicle’) being driven by respondent no.1, owned by respondent no.2 and insured by respondent no.3 herein.

It is submitted by Ld. Counsel for the appellant, that the appellant had received serious and multiple grievous injuries as a result of the accident in question. It is submitted that in support of his claim, the appellant had produced oral as well as documentary evidence, however, the Ld. Tribunal has granted only Rs.10,000/- as compensation, whereas appellant has spent more than Rs.25,000/- on his treatment. It is submitted that accordingly, compensation should be enhanced.

No other argument has been advanced.

Heard Ld. Counsel for the appellant.

Perusal of the record of the case shows that as per testimony of PW1 Dr. S.H. Sehgal, who had treated the appellant at CHC, Shahbad, the appellant had suffered “.....*defused painful swelling on mid of right leg, multiple abrasions on medial aspect of right knee with swelling around it and multiple abrasions on and around medial malleolus of injured*”. Said witness further stated that above said injuries were simple in nature. Moreover, admittedly, there is no other medical evidence on record except the above said statement of treating Doctor. The appellant has not produced any medical bills on record either.

No doubt Chapter-12 of the Motor Vehicles Act, 1988 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. All that has to be determined in the facts of a given case is, that the compensation accorded is “just”. In my considered view, in the present case, the learned Tribunal has awarded a very “just” compensation, which is in accordance with the law laid down by the Hon’ble Supreme Court and therefore does not warrant the interference of this Court. In case of **KSRTC Versus Susamma Thomas 1994 Volume-II SCC 176**, the Hon’ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

For the reasons stated above, finding no merit in this appeal the same is hereby dismissed.

(Nidhi Gupta)
Judge

20.02.2023
Joshi

Whether speaking/reasoned	Yes
Whether reportable	Yes/No