

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****224****FAO-2010-2020 (O&M)****Date of decision: 13.05.2025****Raghubir Singh****...Appellant(s)****Vs.****Mohinder Pal and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Rajesh Tushar, Advocate for the appellant.

NIDHI GUPTA, J.

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.1,04,956/- awarded by the learned Motor Accident Claims Tribunal, Kurukshetra (for short "the learned Tribunal") vide Award dated 02.12.2019 passed in MACP Case No. 406 dated 31.08.2017 filed under Sections 166, 140 and 141 of the Motor Vehicles Act, 1988. The above said compensation was awarded along with interest @ 9% per annum. All the respondents were held jointly and severally liable to pay the amount of compensation.

2. Fresh Power of Attorney on behalf of the appellant with 'No Objection' from earlier counsel filed in Court today is taken on record.

3. Brief facts of the case are that the learned Tribunal on the basis of the pleadings and evidence adduced by the parties, concluded that the injured-claimant had suffered injuries in a motor vehicular accident that took place on 10.06.2017 due to the rash and negligent driving of a car bearing registration No. HR-01AJ-7500 (hereinafter



referred to as “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3.

4. Learned counsel for the appellant seeks enhancement of compensation by submitting that in the accident in question, the appellant had suffered 100% permanent disability. He remained admitted in hospital for 6 days. He was only 22 years of age at the time of accident. Appellant had suffered grievous injuries on his foot. It is submitted that due to the multiple and serious injuries suffered by the appellant, he has caused disability of 3% which he will have to suffer for whole of his life. The injury suffered by the appellant has also denied joy and happiness of life which a normal human being can have.

5. It is further stated in para 11 of the present appeal that *“it is quite natural, a person who has been hospitalized for such a long time in the age of 22 years and suffered the abovementioned grievous injuries which are permanent in nature would have been accompanied by an attendant to take care of him in the hospital. Further, having regard to the length of treatment it is reasonable to suppose that the family members of the appellant must have spent considerable money towards medical treatment, special food and nourishment etc. and the family members have to spend upon the appellant throughout his life. Therefore, atleast Rs.2,00,000/-should have been awarded under these heads.”*

6. It is also submitted that very less amount has been granted under the various heads. It is accordingly prayed that the present appeal



be allowed; and the impugned Award be modified and compensation of ₹7 lakhs be awarded to the appellant.

7. No other argument is raised on behalf of the appellant.

8. I have heard learned counsel for the appellant and perused the case file in great detail.

9. I find no merit whatsoever in the submissions made by learned counsel for the appellant. Perusal of the record of the case shows that the pleaded case of the appellant as narrated in the claim petition; and as also stated in the FIR No. 84 dated 14.06.2017 registered under Sections 279/337 IPC at Police Station Ismailabad, Kurukshetra, was that on 10.06.2017, the appellant alongwith his friend Rajiv Kumar was going towards Ismailabad for personal work. The appellant was riding pillion on the motorcycle of his friend. At about 10:30 a.m., when they reached near Ajrawar bus stop, a car being driven by an unknown driver at high speed, in rash and negligent manner and without blowing horn came from back side i.e. from Ambala side and hit their motor cycle from behind. As a result thereof, they both fell down along with motor cycle on left side of the road. Due to hitting of bumper of car, claimant sustained injuries on his left foot. Immediately, the nearby shopkeepers started attending them. During that period, car driver came to know about the condition of claimant but taking advantage of gathering, he fled away from there along with his car. By that time, Rajiv Kumar noted down the registration number of accidental car as HR-01AJ-7500. The people present there also tried to apprehend the car



driver. Rajiv and other people arranged a private vehicle and took him to Govt. Hospital, Ambala. Family members of claimant also reached the hospital. After seeing condition of foot of claimant, he was referred to PGI, Sector-12, Chandigarh by the doctor. Claimant was operated upon for his foot on 11.06.2017.

10. It was further stated in the claim petition that before the accident, appellant was having robust physique and good health but due to the injuries received in the said accident, he became permanently disabled. The claimant is lying on bed due to accidental injuries and is unable to do his labour work. He is unable to walk without the help of walker. The claimant has suffered physically, mentally as well as financially due to the accident. He remained admitted in the PGI, Chandigarh from 11.06.2017 to 16.06.2017. Claimant also got treatment from Sarwal Hospital, Ambala City after discharge from PGI, Chandigarh and is still under treatment. The claimant is labourer by profession and his per month income is Rs.15,000/-. He spent Rs.2,00,000/- on treatment, transportation, medical expenses, attendant and special diet etc. In total, the claimant prayed for grant of compensation to the tune of Rs.7,00,000/- along with interest @ 12% per annum.

11. From a perusal of the above facts is clear that it is the own pleaded case of the appellant that in the accident in question, he had "*sustained injuries on his left foot.*" No detail whatsoever in respect of the nature or severity of injury suffered by the appellant is mentioned. Further, despite highly exaggerated claim made by the appellant, as per



the medical evidence on record and as per the Medical Board which examined the appellant, physical disability of the appellant was found to be 3% qua left foot. This is so recorded in Disability Certificate Ex.P1 issued by the Medical Board. The disability certificate was proved by PW2 Dr. Manu Soni, who had deposed that the appellant was examined by the Medical Board, which found that appellant had suffered “3% *physical disability qua left foot*” for which disability certificate Ex.P1 was issued. The said facts also find mention in the medico-legal case summary Ex.P9. Thus, as it was the case of the appellant that prior to the accident, he was working as labourer and was earning Rs.15,000/- p.m., accordingly, learned Tribunal awarded lump-sum amount of Rs.7,500/- on account of the above said disability. As per the medical bills/receipts Ex.P10 to Ex.P40, the appellant had incurred medical expenditure of Rs.37,896/-. Although these bills were not proven by the appellant in accordance with law by examining the concerned doctors/chemists, yet the said amount was awarded to the appellant. Further, an amount of Rs.5,000/- was awarded for special diet; and Rs.8,000/- towards transportation expenses. As the appellant was unable to prove his income, the income of the appellant was assessed as Rs.8,280/-p.m. as that of unskilled daily wage labourer on the basis of relevant minimum wage notification of the year 2017. Ld. Tribunal assessed that appellant would have remained in recuperation for two months. Accordingly, loss of income was taken as Rs. 16,560/- (8280 x 2). Further, Rs. 30,000/- was awarded towards pain and suffering.



Accordingly, total compensation of Rs.1,04,956/- along with interest @ 9% per annum was awarded in the following manner:-

i.	Disability to the extent of 3%	=	Rs.7,500/-
ii.	Medical and other expenses	=	Rs.37,896/-
iii.	Special diet	=	Rs.5,000/-
iv.	Transportation	=	Rs.8,000/-
v.	Loss of income	=	Rs.16,560/-
vi.	Pain and suffering	=	Rs.30,000/-
vii.	Total	=	Rs.1,04,956/-

12. 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. Accordingly, I find no case is made out that merits interference with the impugned Award. 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. Mahadev Shetty**', (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 '**KSRTC Vs. 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.

13. In view of the above, no ground to interfere in the impugned Award dated 02.12.2019 is made out. Accordingly, the present appeal is hereby **dismissed**.

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

13.05.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

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