

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**FAO-1257-2024 (O&M)
Date of decision: 07.11.2025

Sajeb Ali

...Appellant

Versus

Furkan and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Vikram Rana, Advocate for the appellant.

DEEPAK GUPTA, J. (ORAL)

Claim petition under Section 166 of the Motor Vehicle Act, seeking compensation on account of injuries sustained in a motor vehicular accident, filed by appellant - Sajeb Ali was partly accepted by learned Tribunal on 27.07.2023, allowing compensation of ₹4,88,000/-.

2. By way of the main appeal i.e. FAO-1257-2024, appellant prays for enhancement. The appeal is accompanied by CM-5011-CII-2024 to condone the delay of 125 days in filing the appeal.

3. It is stated in the application that applicant was not able to come out of the shock after the accident. Besides, he was not aware about the procedure for filing appeal for claiming enhancement in the compensation. It is also the contention that appellant could not arrange funds for approaching the counsel at the High Court and that all this has caused delay of 125 days.

4. The accident had taken place way back on 17.08.2018 and therefore, it is absolutely not believable that appellant was still under the shock of the accident in 2024 when this appeal has been filed, particularly when, he had already approached the Tribunal by filing the claim petition in 2018 itself. As such, his contention that due to shock of the accident, he could not file the appeal in time, is not believable.

5. Similarly, the contention that appellant was not aware about



the procedure for filing the appeal for seeking enhancement or that he was unable to arrange funds, are also hard to believe for justifying the delay in filing the appeal.

6. Consequently, this Court does not find any merit in the application so as to condone the delay of 125 days in filing the appeal and as such, application stands dismissed.

7. Though the appeal deserves to be dismissed being barred by limitation, as has been noted above, but even if it is considered on merits, the appeal is found to have no substance.

8. As found by learned Tribunal, an amount of ₹2,15,952/- was spent by the appellant-claimant on the expenses for his medical treatment. The said amount is not disputed by learned counsel for the appellant.

9. For claiming the enhancement, the contention raised by learned counsel is that only an amount of Rs.40,000/- has been awarded towards loss of income and that no amount has been awarded for 10% disability.

10. There is no merit in the contention.

11. It is noticed that learned Tribunal has taken into consideration the fact that petitioner remained hospitalized for almost 35 days and so, considering the nature of injuries and fractures suffered by him, he must have taken four months for proper recovery and therefore, by taking the notional income of the injured claimant to be ₹10,000/- per month, he has been awarded compensation of ₹40,000/- for loss of earnings.

12. Learned counsel for the appellant conceded the fact that there is no evidence on record, except the bald statement of the claimant that he was earning ₹30,000/- per month, as was pleaded in the petition. As such, there is no scope for enhancement in the compensation under the head of 'loss of income'.



13. As far as, the disability is concerned, it has been found that 10% disability was only temporary in nature. As per the certificate, 5% disability was qua pain and suffering, whereas 5% disability was for stiffness. There was no shortening of the limb. The disability was only temporary, which was to reduce with the passage of time through treatment and physiotherapy.

14. In these circumstances, the amount of ₹1,50,000/- awarded by the Tribunal towards pain and sufferings, mental distress, discomfort and inconvenience is found to be quite reasonable, which also includes the amount for temporary disability. No separate amount was liable to be granted under the head of 10% temporary disability, which was to reduce with the passage of time, as per the evidence on record.

15. No other point has been urged.

16. Considering the aforesaid discussions, this Court does not find any ground so as to enhance the compensation amount. Consequently, the present appeal is hereby dismissed being barred by limitation, and also on merits.

07.11.2025

Yogesh

**(DEEPAK GUPTA)
JUDGE**

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