



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**FAO-486-2001 (O&M)
Date of decision: 12.09.2025**

Parveen Kumar

...Appellant(s)

Vs.

Veer Bhan and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Devyansh, Advocate for
Mr. Jagdish Manchanda, Advocate
for the appellant.

Mr. Pardeep Goyal, Advocate for
respondent No.3-Insurance Co.

NIDHI GUPTA, J.

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.30,300/- awarded by the learned Motor Accident Claims Tribunal, Karnal (for short "the learned Tribunal") vide Award dated 03.05.2000 passed in MACT Case No. 231 dated 16.11.1998 filed under Sections 166 and 163-A of the Motor Vehicles Act, 1988.

2. Brief facts of the case are that the Id. Tribunal on the basis of evidence adduced by the parties concluded that the appellant had suffered injuries in a motor vehicular accident that took place on 06.10.1998 due to the rash and negligent driving of a Tractor bearing registration No. HR-05C-5201 (hereinafter referred to as "the offending vehicle") being driven by



respondent No.1; owned by respondent No.2; and insured by respondent No.3. The above said compensation was awarded along with interest @ 12% per annum. All the respondents were held jointly and severally liable to pay the amount of compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that in the accident in question, the appellant had suffered multiple grievous injuries on various parts of his body. Appellant had got fracture of left arm, chest and ribs. Accordingly, appellant was entitled to compensation of Rs.5 lacs; whereas learned Tribunal had awarded meager sum of Rs.30,300/-. It is submitted that the appellant had remained hospitalized with fracture of second and fourth rib of left side and 6th rib of right side with fracture of clavicle with fracture pots. After the accident, appellant had been discharged on 12.10.1998. Yet only Rs.10,000/- has been awarded for pain and suffering. The appellant is unable to visit the hospital for future treatment in public transport and has to use private vehicle to attend his social or public calls or to visit hospital as he is unable to board public utilities. Yet, nothing has been awarded for future treatment or for transportation. Even nothing has been awarded towards attendant charges.

4. It is accordingly prayed that the present appeal be allowed; and the compensation be enhanced in the above manner.

5. *Per contra*, learned counsel for respondent No.3 opposes submissions made on behalf of the appellant and submits that the impugned Award suffers from no infirmity as the compensation awarded to the



appellant is just and fair. Hence, the present appeal deserves to be dismissed.

6. No other argument is raised on behalf of the parties. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the appellant.

7. Perusal of the record of the case shows that it was the pleaded case of the appellant that at the time of accident, he was 26 years old and prior to accident, he was working as an Electrician in the Electrician Shop. As no proof of income or avocation was produced by the appellant, as such learned Tribunal had taken income of the appellant as that of a skilled labour as Rs.1800/-p.m. As per the record, the injuries suffered by the appellant in the accident in question were “*fracture of second and fourth rib of left side and 6th rib of right side with fracture of clavicle with fracture pots.*” As per the record, appellant was treated conservatively with bandages and plaster; and was discharged from the hospital on 12.10.1998. As such, he remained hospitalized for 6 days. Appellant had produced receipts Ex.P4 to Ex.P6, as per which, he was charged Rs.2370/- towards hospital treatment. Appellant also had follow-up treatment on 18.10.1998, 06.11.1998, 04.12.1998 and 21.12.1998. However, appellant had suffered no permanent disability. It is also not the case of the appellant that he is unable to carry out his work due to the injuries. Accordingly, learned Tribunal had awarded compensation of ₹30,300/- in the following manner: -

Income as skilled labour = Rs.1800/-



Remained absent from work for 4 months/loss of income= Rs.1800 x 4
Special diet =Rs.5,000/-
Medical bills Mark A1 to Mark A13 =Rs.5,675/-
Receipt Ex.P4 to Ex.P6 =Rs.2,370/-
Pain and suffering= Rs.10,000/-

8. 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. 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. Mahadeva Shetty and another” (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 **“General Manager, KSRTC Vs. Susamma Thomas and others” (1994) 2 SCC 176**, the Hon’ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

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

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

12.09.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

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