



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 03.12.2025

FAO-3781-2024(O&M)

Sant Kumar

...Appellant(s)

Vs.

Makhan Singh & Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ashok K. Sharma (Bhana), Advocate
for the appellant.

NIDHI GUPTA, J.CM-13817-CII-2024

This is an application under Section 5 of Limitation Act for
condonation of delay of 27 days in filing the appeal.

After going through the contents of the application, the same is
allowed subject to all just exceptions and delay of 27 days in filing the present
appeal is condoned.

MAIN CASE

Present appeal has been filed by injured-claimant seeking
enhancement of compensation of Rs.64,000/- awarded by the Motor
Accident Claims Tribunal, Jind (hereinafter 'the learned Tribunal') vide



Award dated 31.01.2024 passed in MACP Case No.77 dated 25.03.2019 filed under Section 166 of the Motor Vehicles Act (hereinafter “the Act”).

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the appellant had suffered injuries in a motor vehicular accident that took place on 01.09.2018 due to the rash and negligent driving of Canter Eicher Pro. bearing registration No.HR-39D-9961 (hereinafter “the offending vehicle”) being driven and owned by respondent No.1 and insured by respondent No.2. The compensation has been awarded along with interest of 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that the amounts awarded under pain and suffering, transportation, medical expenses, special diet, loss of income are all on the lower side. Interest is also granted on the lower side. Learned counsel accordingly prays that the impugned Award be modified.

4. No other argument is made on behalf of the appellant. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellant.

5. Perusal of record of the case shows that it was the pleaded case of the appellant in the Claim Petition before the learned Tribunal that prior to the accident, he was running a Chicken Khokha/shop and was earning



Rs.35,000/- per month. The appellant had also pleaded that prior to the accident, he was hale and hearty. However, due to the injuries, he had become permanently physically disabled because of which he was unable to do any work. However, it was also the pleaded case of the appellant that in the accident in question, the appellant had *“sustained number of serious and grievous injuries on his body like forehead, nose, ear, eyes and mouth etc...”*. Thus, appellant has not mentioned any specific injuries suffered by him in the accident in question. Learned Tribunal had found that from the medical evidence on record, it was proved that the appellant had suffered injuries on various parties of his body like forehead, nose, ear, eyes and mouth; and he had remained admitted at PGIMS Rohtak up to 04.09.2018. Accordingly, the learned Tribunal had awarded Rs.20,000/- towards pain and suffering; and Rs.20,000/- towards loss of income. The appellant had produced medical bills (Ex.P6 to Ex.P10) for a total amount of Rs.3,680/-. Learned Tribunal had rounded off the said figure to Rs.4,000/- and awarded the same towards medical expenses. Admittedly, as per the medical evidence on record, appellant has not suffered any permanent disability. Appellant had also failed to produce any proof of income or avocation as alleged. Learned Tribunal had, accordingly, awarded compensation in the following manner:-

Head	Amount
Medical expenses	Rs.4,000/-
Loss of income	Rs.20,000/-
Transportation charges	Rs.10,000/-
Special diet	Rs.10,000/-



Pain and suffering	Rs.20,000/-
Total	Rs.64,000/-

6. From the above facts, it is clear that 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 & Another Vs. Jasbir Kaur & Others**' 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 the case of "**General Manager, KSRTC Vs. Susamma Thomas & Others**" 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.

7. In view of the above, present appeal is **dismissed**.

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

03.12.2025
Sunena

(Nidhi Gupta)
Judge

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