



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**FAO-5076-2023 (O&M)
Date of decision: 22.09.2025**

Surender Singh

...Appellant(s)

Vs.

Hardev Singh and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Pankaj Rana, Advocate for the appellant.

NIDHI GUPTA, J.

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.2,58,700/- awarded by the learned Motor Accident Claims Tribunal, Kaithal (for short "the learned Tribunal") vide Award dated 19.04.2023 passed in MACT Case No. 13 dated 20.12.2019 filed under Section 166 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 02.12.2018 due to the rash and negligent driving of a Car bearing registration No. PB-39F-0611 (hereinafter referred to as "the offending vehicle") being owned and driven by respondent No.1; and insured by respondent No.2. The above compensation was awarded along with interest @ 7% per annum. Both 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 prior to the accident, appellant was working as a Pharmacist (Doctor) and was earning more than Rs.50,000/- p.m. Appellant was the only bread earner of this family. Due to the accident, appellant had become permanently disabled and is unable to do his work properly. The appellant had suffered permanent disability of 8% as evident from Disability Certificate Ex.P1. Yet, nothing has been awarded to the appellant for loss of income even though, he was advised bed rest and was unable to do basis things. Only an amount of Rs.50,000/- has been awarded towards pain and suffering. Moreover, appellant has spent Rs.2 lacs on his attendant as he was advised bed rest and was unable to do basic things but learned Tribunal has awarded only Rs.40,000/- towards attendant charges. Very meager amount has been awarded under the remaining heads.

4. It is accordingly prayed that the present appeal be allowed; and impugned Award be modified by enhancing the compensation.

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

6. I have heard Id. counsel and perused the case file in detail.

7. I find no merit in the submissions made on behalf of the appellant. Perusal of the record of the case shows that it was the pleaded case of the appellant that in the accident in question the appellant has sustained "*multiple grievous injuries alongwith fracture on his person.*" The evidence on record, particularly that of PW4 Dr. Rakesh Garg, MBBS,



M.S.Orthopedic Surgeon, Life Care Hospital, Kaithal and PW5 Dr. Adish Goyal, Medico Legal Consultant Amar Hospital, Patiala reveals that in the accident in question, the appellant had suffered fracture shaft of femur and fracture left ankle. The appellant was also operated for nail removal. PW3 Dr. Aman Sood in his cross-examination has deposed that possibility of decrease in disability with passage of time cannot be ruled out. Thus, I find no error in the amount of ₹50,000/- awarded by the Tribunal towards pain and suffering.

8. Appellant had been unable to prove his alleged income of Rs.50,000/- p.m. In any event, as per the Income Tax Returns brought on record by the appellant 'Mark A5' and 'Mark A6' reveal that income of the appellant had increased after the accident. Therefore, he had failed to show any loss of income. It was the pleaded case of the appellant that he had spent Rs.6 lacs on his treatment. It has come on record that the appellant was hospitalized on 02.12.2018; and discharged on 06.12.2018. The appellant had produced bills Ex.P3 to Ex.P46 duly proved by Dr. Adish Goyal PW5, as per which, he had spent an amount of Rs.1,58,700/- on his treatment; which amount was duly reimbursed to the appellant. The appellant had further asserted that he had remained bedridden for 2 years. However, there was no document to show that appellant had been advised bed rest. Even though, appellant had produced no attendant bills, he had produced Tarsem Lal PW2 as his Attendant. However, though no proof of salary to Tarsem Lal yet, learned Tribunal had awarded an amount of



Rs.40,000/- towards attendant charges. Learned Tribunal had further awarded compensation in the following manner:-

	Date of accident	02.12.2018
Claimant	Surender Singh	
Age:	30 years	
Occupation	Pharmacist	
Hospitalization	4 days	
Sr. No.	Head of Claim	Amount
1.	Pain and suffering due to fracture and surgery, mental and physical shock, hardship, loss of amenities in life due to restricted movement, future medical expenses and loss of income and permanent disability.	Rs.50,000/-
2.	Medical and Medicines charges	Rs.1,58,700/-
3.	Special Diet	Rs.10,000/-
	Attendant charges	Rs.40,000/-
	Total	Rs.2,58,700/-

9. 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.

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

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

22.09.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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