

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****113****FAO-390-2020(O&M)****Date of decision: 17.11.2025****Anil Kant****...Appellant(s)****Vs.****Rahul & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Raje Ram Kaushik, Advocate
for the appellant (through VC).

NIDHI GUPTA, J.
CM-379-CII-2020

This is an application under Section 151 CPC for condonation of delay of 15 days in re-filing the appeal.

After going through the contents of the application, which is supported by affidavit of counsel for the appellant, the same is allowed subject to all just exceptions and delay of 15 days in re-filing the present appeal is condoned.

CM-380-CII-2020

This is an application under Section 5 of the Limitation Act read with Section 151 CPC for condonation of delay of 184 days in filing the appeal.



After going through the contents of the application, which is supported by affidavit of the applicant, the same is allowed subject to all just exceptions and delay of 184 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.1,59,100/- awarded by the Motor Accident Claims Tribunal, Kurukshetra (hereinafter 'the learned Tribunal') vide Award dated 07.12.2018 passed in MACP Case No.170 dated 02.04.2018 filed under 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 06.03.2018 due to the rash and negligent driving of Dumper bearing registration No.HR-37D-5886 (hereinafter "the offending vehicle") being driven by respondent No.1, owned by respondent No.2, and insured by respondent No.3. The said compensation has been awarded along with interest @ 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 in the accident in question, the appellant had been rendered 100% disabled. He was bed-ridden and was unable to do any kind of work. It is submitted that yet, the learned Tribunal has



awarded nothing towards permanent disability. Nothing has even been awarded towards future treatment or towards attendant charges or towards pain & suffering and special diet, etc.

4. It is further submitted that prior to the accident in question, the appellant was a Driver and 10th pass. Yet income of the appellant has been taken on the lower side as only Rs.8,500/- per month which deserves to be enhanced. Further, nothing has been awarded towards future loss of income. Learned counsel for the appellant accordingly prays that the impugned Award be modified and Rs.20 lakh be granted to the appellant by way of compensation.

5. No other argument is made on behalf of the appellant. I have heard learned counsel and perused the case file in detail.

6. Perusal of record of the case shows that it was the own pleaded case of the appellant in the Claim Petition (Annexure A1) that in the accident in question, he had suffered fracture of right leg i.e. right tibia fibula and right S C femur. It is the pleaded case of the appellant that as a result of the accident, he *"is unable to do any work and walk properly. Stitches were also applied... ..He is getting treatment till today as outdoor patient and further amount is to be spent on his further treatment."* However, a perusal of the record of the case shows that as per the Disability Certificate (Ex.P1), which was proved from the evidence of Dr. Anoop, of the 15% disability suffered by the appellant, only 12% was permanent which was qua the whole body; and



which therefore came to around 8% permanent disability. Learned Tribunal has categorically recorded that the disability of the appellant was only qua the right leg due to loss of movement in right knee. Accordingly, I find no error in the amount of Rs.5,000/- awarded by the learned Tribunal towards pain and suffering; and Rs.5,000/- towards special diet.

7. Further, it is the pleaded case of the appellant that prior to the accident in question, he was working as a Driver. However, admittedly, the appellant has failed to lead any evidence in this regard. Accordingly, learned Tribunal had correctly taken income of the appellant as Rs.8,500/- per month as that of an unskilled labourer on the basis of the relevant Minimum Wage Notification issued by the State of Haryana.

8. Further, age of the appellant was proved to be 34 years at the time of accident on the basis of his Matriculation Certificate (Ex.P14), in which his date of birth is mentioned as 22.09.1984. Tribunal had accordingly applied multiplier of 16 and granted compensation in the following manner:-

Head	Amount
Annual income (Rs.8,500/- x 12)	Rs.1,02,000/-
Loss of future earning 8% of annual income	Rs.8,160/-
Multiplier	16
Total loss Rs.8,160/- x 16	Rs.1,30,560/- rounded off to Rs.1,30,600/-
Treatment expenses	Rs.13,500/-
Transportation expenses	Rs.5,000/-
Pain and suffering	Rs.5,000/-
Special diet	Rs.5,000/-
Loss of future earnings	Rs.1,30,600/-
Total	Rs.1,59,100/-



9. Medical expenses were reimbursed to the appellant on the basis of the bills produced by him. Nothing whatsoever has been produced on record by the appellant to show that he has undergone any future treatment.

10. In view of the above, I find no error in the compensation as awarded by the learned Tribunal. Present appeal accordingly stands **dismissed.**

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

17.11.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No