

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****216****FAO-7913-2016 (O&M)****Date of decision: 07.05.2025****Manish****...Appellant(s)****Vs.****Manoj Kumar and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. S.S.Jattan, Advocate for the appellant.

NIDHI GUPTA, J.**CM-26709-CII-2016**

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 69 days in filing the accompanying appeal.

Heard.

For the reasons mentioned in the application which is supported by an affidavit of the applicant/appellant, the same is allowed and the delay of 69 days in filing the accompanying appeal is condoned.

FAO-7913-2016 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.59,000/- awarded by the Id. Motor Accident Claims Tribunal, Ambala (hereinafter referred to as "the learned Tribunal") vide Award dated 05.04.2016 passed in MACP Case No. 411 dated 15.11.2014 filed under Section 166 of the Motor Vehicles Act.



2. Brief facts of the case are that the learned Tribunal on the basis of the pleadings and evidence adduced by the parties, concluded that the injured-claimant had suffered injuries in a motor vehicular accident that took place on 12.10.2014 due to the rash and negligent driving of a car bearing registration No. HR-02L-9757 (hereinafter referred to as “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3.

3. At the very outset, it may be pointed out that the present appeal is of the year 2016. However, notice has not yet been issued in this appeal due to the fact that since the filing of the present appeal on 23.09.2016, the matter has been adjourned either at request of, or due to non-appearance of learned counsel for the appellant.

4. Be that as it may, counsel for the appellant seeks enhancement of compensation by *inter alia* submitting that in the accident in question, the appellant had suffered severe injuries including grievous injuries on his right leg. The appellant had also suffered permanent disability. Yet, compensation of only ₹59,000/- has been awarded along with low interest @ 7.5% per annum to be paid by respondents No. 1 and 3 jointly and severally. It is submitted that appellant had claimed compensation of ₹10 lacs as he remained under treatment and was charged for operation. But only ₹39,000/- has been given to the appellant towards medical expenses. It is submitted that keeping in view the grievous injuries suffered by the appellant, learned Tribunal ought to have granted sufficient amount i.e. ₹10 lacs for the



serious injuries suffered by the appellant. Even under other heads, a very meagre amount has been awarded to the appellant. It is accordingly prayed that the present appeal be allowed; and impugned Award be modified by awarding ₹10 lacs along with 18% p.a. interest in the interest of justice.

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

6. I have heard learned counsel for the appellant and perused the case file in great detail.

7. I find no merit whatsoever in the submissions made by Id. counsel for the appellant. It was the pleaded case of the appellant before the learned Tribunal that on 12.10.2014 the injured-appellant/Manish alongwith Vikram @ Vicky and Vishal were going on motorcycle bearing registration No.HR-26M-5923 towards his village Gaula. The motorcycle was being driven by Vikram @ Vicky and the claimant and Vishal were the pillion riders on the motorcycle. At about 10:30 A.M. when they reached near Ravi Dass Mandir of village Kalpi, a car bearing registration No.HR-02L-9757/the offending vehicle, being driven by respondent no.1 rashly, negligently and at a high speed came from Nauhni side and hit the motorcycle of the claimant. Due to the accident the motorcyclists fell down on the road and claimant suffered grievous injuries on his right leg. The injured took treatment from Dhawan Hospital, Ambala Cantt. and the claimant spent more than ₹1,60,000/- on his treatment, special diet etc. Matter was reported to the police and FIR was registered against respondent no.1. It was



pleaded that the accident had taken place due to rash and negligent driving of respondent no.1. Lastly, it was prayed that compensation amount to the tune of ₹10,00,000/- be awarded to him on account of injuries sustained by him along with interest @ 18% per annum, from the date of filing of the petition till its realization, for which respondents are jointly and severally liable to pay the compensation.

8. At the time of argument, very vague submissions have been made by the appellant in respect of the injuries suffered by him. Even in the Grounds of Appeal all that has been stated is that the appellant had '*suffered grievous injuries on his right leg*'. Despite repeated queries, Id. counsel for the appellant has been unable to inform this Court as to the exact nature of the injuries and disability suffered by the appellant.

9. However, a perusal of the record reveals that the appellant had produced PW3 Dr. S.K.Dhawan from Dhawan Orthopaedic Hospital, Ambala Cantt., who had deposed that the appellant had suffered following injuries:

- a) Fracture shaft femur right side; and
- b) Crush injury big toe right.

10. PW3 had further deposed that the appellant had been operated by "*close interlock nail femur and debridement of big toe and discharged on 16.10.2014 in a stable and satisfactory condition. His discharge summary is Ex.P2. He incurred total expenditure of ₹37,500/- which included cost of stay, surgery, implant and OT and indoor medicines. Bill in this regard is Ex.P3.*" However, a perusal of the



'discharge summary' Ex.P2 does not indicate that appellant had undergone any surgery. In fact, Ex.P2 appears to be a prescription as all that is mentioned therein is that the appellant had suffered a fracture shaft femur right side and crush injury big toe right; he remained hospitalised from 12.10.2014 to 16.10.2014; and the medicines advised to the appellant were '*pantocar, joxcy 500 mg and combiflam tablets*'. Even the 'Disability Certificate'/ Mark 'I' produced by the appellant does not inspire the confidence of this Court. As per the said Certificate, the appellant has suffered 10% disability. However, it is admitted by learned counsel for the appellant that even the same was not proven on record as no doctor was examined to prove the said disability or the said Certificate.

11. It is in this background that the learned Tribunal granted an amount of ₹39,000/- towards medical expenses as per the bills produced by the appellant for ₹37,500/- and ₹1,500/-. A lump-sum amount of ₹20,000/- was awarded for pain and sufferings, diet and nutrition, attendance charges, transportation etc. Thus, awarding total compensation of ₹59,000/- along with interest @ 7.5% per annum from the date of filing of petition till actual realisation.

12. Nothing has been shown to this Court that warrants interference in the impugned Award. Accordingly, the present appeal is hereby **dismissed**.



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

07.05.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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