



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-5812-2023 (O&M)

Date of decision: 23.09.2025

Ramesh Chander

...Appellant(s)

Vs.

Satyawar and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Dr. Suresh Kumar Redhu, Advocate for the appellant.

NIDHI GUPTA, J.CM-19901-CII-2023

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 CPC is for condonation of 414 days delay *"in filing the Letter Patent Appeal"*.

2. The only reason cited by the injured-claimant/appellant for condonation of 414 days delay is that the learned Tribunal had awarded meagre compensation under all heads; whereas the appellant had remained hospitalized from 23.04.2020 to 16.05.2020 due to which he had suffered disability and was unable to file the Appeal in time.

3. The above cited reason is vague and does not constitute sufficient cause to condone extraordinary delay of 414 days in filing the present appeal. It is cardinal principle of law that delay of each day has to be explained. Reliance may be placed upon recent judgment of Hon'ble Supreme Court in **Civil Appeal No. 11794 of 2025** titled as **Shivamma**



(Dead) by LRs Vs. Karnataka Housing Board and others, 2025 INSC 1104 decided on 12.09.2025.

4. As such, no ground is made out for condoning inordinate delay of 414 days. Present application accordingly stands **dismissed**.

FAO-5812-2023 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.2,01,175/- awarded by the learned Motor Accident Claims Tribunal, Hisar (for short “the learned Tribunal”) vide Award dated 04.04.2022 passed in MACP Case No. 52 dated 06.07.2020 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 23.04.2020 due to the rash and negligent driving of a JCB bearing registration No. HR-61C/7185 (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 @ 6% 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 the Id M.A.C.T. has failed to assess the proper income of the deceased in compliance of this Hon'ble Court order dated 24.01.2023 vide which the case was remanded to the Motor Accident Claims Tribunal, Rohtak directing therein to give fresh finding



with regard to quantum of the compensation payable to the claimants as per settled law on the subject but the learned Tribunal did not reassess the income of the deceased afresh rather observed that the income assessed by the earlier Motor Accident Claims Tribunal, Rohtak is quite reasonable.

4. It is further submitted that very less amount of Rs.10,000/- has been awarded for transportation charges; whereas the same should be Rs.50,000/-. Very meager amount of Rs.30,000/- has been awarded under the head of pain and suffering; whereas the same should be Rs.3 lacs. Even for medical expenses only Rs.77,175/- has been awarded; whereas the appellant has incurred total amount of Rs.10 lacs towards medical expenses, which therefore, deserves to be enhanced. Interest has been granted only @ 6%; whereas the same should be 12% p.a. He accordingly prays that the present appeal be allowed; and the compensation of Rs.50 lacs alongwith interest @ 18% p.a. be awarded to the appellant.

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 reveals that the case as pleaded by the appellant in the claim petition before the learned Tribunal as recorded in para 1 and 2 of the impugned Award is as follows: -

“1. The facts which led to the filing of this claim petition are that on 23.04.2020, petitioner-injured was going to Meham from Bhiwani by motor cycle bearing Registration



No. HR-21G/7511. At about 8:30PM when he reached near turn of village Paluwas in the area of police station Industrial Area, Bhiwani, in the meanwhile, a JCB bearing Registration No. HR-61C/7185 being driven by the respondent No.1 in a rash and negligent manner came from village Paluwas side and struck his JCB with the motor cycle of petitioner. Due to this impact, the petitioner received serious and grievous injuries on his person. The petitioner was shifted to Civil Hospital, Bhiwani for treatment. The matter was reported to the police and a case vide FIR No. 114 dated 25.04.2020 under sections 279, 337 IPC was registered against the respondent No.1 in police station Industrial Area, Bhiwani. During investigation, Section 338 IPC was added.

2. It is further pleaded that petitioner-injured Ramesh Chander was 45 years of age on the date of accident. He was employed as JBT Teacher in Government of Haryana and was getting a sum of ₹80,000/-per month as salary. He sustained fracture on femur besides other injuries on his person. He was treated in Civil Hospital, Bhiwani but due to his serious condition, he was taken to S.P.E.S. Super-specialty Hospital, Bhiwani where he remained admitted from 23.04.2020 to 25.04.2020. Thereafter he was taken to Noble Heart Hospital, Rohtak where he remained admitted from 25.04.2020 to 16.05.2020. He incurred a sum of ₹10 lacs on his treatment, transportation, special diet and medicines etc. He is still under treatment and much more amount is required for his further treatment. The petitioner has become permanent disabled person due to injuries sustained in this accident. In this way, he has laid a claim of ₹50,00,000/- alongwith interest @ 18% on account of injuries sustained by him in the accident in question."



8. Notwithstanding the grandiose claims of the appellant, from the evidence of Dr. Sunil PW3 it was proved that *“Chander (petitioner) was admitted in their hospital on 25.04.2020 with diagnosed comminuted fracture S/C femur with Hoffa's fracture both condyle with Quadriceps Rupture with MPFC injury with fracture etc.”* PW3 had further deposed that the appellant was operated upon and discharged on 16.05.2020 as evident from discharge summary Ex.P3. The hospital had charged the appellant Rs.3,49,600/- as per the bill Ex.P4. PW3 also proved other medical expense bills Ex.P6 to Ex.P54 for an amount of Rs.6,12,498/-. Disability Certificate of the appellant Ex.P55 was proved by the evidence of Dr. S.K. Kaushik, Medical Officer, General Hospital, Hisar as PW4. As per the Disability Certificate Ex.P55, appellant had sustained Locomotor Disability to the extent of 10%; visual impairment to the extent of 30%; and overall physical impairment at 37%. However, no impediment was caused to the appellant due to his above said disability and that he was still able to perform his job effectively. As such, disability of the appellant was functional. Hence, a sum of Rs.74,000/- i.e. @ Rs.2000/- per percent disability was correctly awarded to the appellant.

9. It is further admitted fact on record that the appellant was working as a JBT Teacher in the Government of Haryana and drawing salary of Rs.80,000/- p.m. As against the medical bills for an amount of Rs.6,12,498/-, admittedly, an amount of Rs.5,79,503/- was duly reimbursed by the Department to the appellant. As such, learned Tribunal has correctly held that appellant was entitled to un-reimbursed amount of

Rs.77,175/- towards medical treatment. Reference judgment of the Hon’ble Supreme Court in **Krishna v. Tek Chand, (SC) : Law Finder Doc ID # 2531576**, wherein it is held that claimant in a motor accident cannot seek “double benefits”.

10. Learned Tribunal had further awarded compensation in the following manner:-

Sr. No.	Head under which amount awarded	Amount
1.	Compensation on account of disability	₹74,000/-
2.	Compensation on account of expenditure incurred on medicines and treatment.	₹77,175/-
3.	Compensation on account of pain and suffering.	₹30,000/-
4.	Compensation on account of nutritious diet.	₹10,000/-
5.	Compensation on account of transportation charges.	₹10,000/-
6.	Total	Rs.2,01,175/-

11. 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.

12. Keeping in view the above factual and legal position, no ground is made out to interfere in the impugned Award. The present Appeal is accordingly **dismissed** on merits, as well as on grounds of delay.

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

23.09.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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