



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-510-2024 (O&M)
Date of decision: 27.10.2025

Prem Kumar alias Prem Saini

...Appellant(s)

Vs.

The New India Assurance Co. Limited and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Gagandeep Kaur, Advocate
for the appellant through V.C.

NIDHI GUPTA, J.

CM-1919-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 94 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant/appellant, the same is allowed and delay of 94 days in filing the appeal is condoned.

CM-1920-CII-2024

Prayer in this application filed under Section 5 of Limitation Act is for condonation of delay of 354 days in refiling the accompanying appeal.

2. Heard.



3. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant/appellant the same is allowed and delay of 354 days in refiling the appeal is condoned.

FAO-510-2024 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.6,47,800/- awarded by the learned Motor Accident Claims Tribunal, Mansa (for short “the learned Tribunal”) vide Award dated 28.03.2022 passed in MACT Case No. 67 dated 11.07.2019 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 22.03.2019 at about 6:30 p.m. due to the rash and negligent driving of a Trolly bearing registration No. PB-03AW-7659 (hereinafter referred to as “the offending vehicle”) being driven by respondent No.2; owned by respondent No.3; and insured by respondent No.1. The above said compensation was awarded along with interest @ 6% per annum. All the respondents were jointly and severally held liable to pay the amount of compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that prior to the accident, the appellant was a fruit vendor who used to sell fruits on a rehri. In the accident in question, the appellant had sustained multiple grievous injuries on his both legs, head and other parts of the body. Due to the injuries, appellant has suffered permanent disability as left leg of the appellant has been shortened; due to

which he is unable to resume his avocation of fruit vending as he was doing prior to the accident. Despite this fact, only Rs.10,000/- has been awarded to the appellant on account of pain and suffering; whereas, Tribunal ought to have awarded Rs.1 lac for future loss of income. Further meager amount of Rs.5,000/- has been awarded to attendant charges and special diet. Even nothing has been granted for future medical costs. Nothing has been granted for loss of income during treatment and loss of expectation of life and cost of litigation. He accordingly prays for modification of Award/enhancement of compensation.

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

5. The Tribunal has awarded compensation as follows: -

Sr. No.	Heads	Criteria	Amount
1.	Loss of earnings considering the disability to be 18%	Income x 12 x suitable multiplier x 18/100 (disability)	Rs.9000x12x15 X 18/100 = Rs.2,91,600/-
2.	Medical expenses	Bills/receipts Ex.C2 to Ex.C4, Ex.C6 to Ex.C41, Ex.C43, Ex.C45 to Ex.C49, Ex.C52,Ex.C54, Ex.C56 to Ex.C58, Ex.C60, Ex.C61, Ex.C63 to Ex.C66, Ex.C68 to Ex.C92 (excluding bills/receipts Ex.C47, Ex.C78 and Ex.C79)	Rs.3,29,025/-
3.	Expenses relating to transportation	Ex.C5,Ex.C42,Ex.C44, Ex.C50,Ex.C51,Ex.C53, Ex.C55,Ex.C59,Ex.C62,	Rs.12,000/-

		Ex.C67	
4.	Expenses relating to special diet and miscellaneous expenditure	No documents	Rs.5,000/-
5.	Damages for pain suffering and trauma	Abstract	Rs.10,000/-
	Total		Rs.6,47,725/- Rounded off = Rs.6,47,800/-

6. Perusal of the record reveals that at the time of accident, age of the appellant was about 36 years. The admitted avocation of the appellant is fruits vending on a rehri. As appellant had produced no documentary evidence of his income, Id. Tribunal had taken income of the appellant as Rs.9,000/- p.m. as that of daily wager in the year 2019. I find no error in the same.

7. The record further reveals that it was the pleaded case of the appellant in the Claim Petition before the Tribunal that in the accident in question, the appellant had *“sustained multiple grievous injuries on his both legs, head and other parts of the body”*. As per Disability Certificate Ex.C113, Appellant had suffered 18% permanent locomotor disability of left leg. However, the appellant has failed to examine any Doctor to prove the injuries suffered by him or even prove the disability/Disability Certificate. Even there is nothing whatsoever on record to indicate that the appellant had suffered any shortening of his leg. The only witness on behalf of the appellant is the appellant himself as CW1. Besides that, appellant has adduced documentary evidence *“Copy of FIR Ex.C1, medical bills from*



Ex.C2 to Ex.C92, discharge summary Ex.C-93 & Ex.C94, OPD slips Ex.C95 to C101, x-ray films Ex.C102 to Ex.C112, copy of discharge summary Mark-A, copy of OPD slip Mark-B and Disability Certificate Ex.C113”.

8. Appellant had produced medical bills Ex.C-2 to Ex. C-92 for an amount of Rs.3,29,025/- which has been given as per the bills produced. It has been contended by the appellant that less amount has been awarded for transportation however, as evident from the above reproduced table, the said amount has been granted as per the bills for transportation produced by the appellant.

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.

10. Accordingly, I find no error in the compensation awarded by the learned Tribunal. The present Appeal stands **dismissed**.

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

27.10.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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