

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****231****FAO-8316-2017(O&M)****Date of decision: 27.10.2025****Rajender Singh****...Appellant(s)****Vs.****Suresh Kumar & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. J.S. Saneta, Advocate
for the appellant.Mr. Puneet Pali, Advocate
for respondent No.1.*********NIDHI GUPTA, J.**

Present appeal has been filed by injured-claimant seeking enhancement of compensation of Rs.1,10,680/- awarded by the Motor Accident Claims Tribunal, Jind (hereinafter 'the learned Tribunal') vide Award dated 12.07.2017 passed in MACP Case No.91 dated 23.12.2015 filed under Section 166 of 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 21.11.2015 at about 7 am due to the rash and negligent driving of Canter bearing registration No.HR-62-6722 (hereinafter "the offending vehicle") being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The aforesaid compensation has been awarded along with interest of 9% per annum. It was



directed that *“Respondent no. 1 and 2 shall be liable to pay this amount to this petitioner. Respondent no. 3 insurance company shall not be liable to indemnify the owner/insured. However, it shall pay the amount to petitioner at first instance but it shall be liable to pay the amount with a right to recover the same from respondents no. 1 and 2.”*

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that Tribunal has awarded only Rs.77,680/- towards medical expenses. It is submitted that the appellant was operated upon yet only Rs.77,680/- has been awarded towards medical expenses; whereas the appellant had spent more than Rs.2.5 lakh on his treatment and he is still taking treatment. Accordingly, Rs.5 lakh ought to have been awarded for medical expenses. Even less amount has been awarded for pain and suffering; and the same should be Rs.2 lakh. Nothing has been awarded on account of future treatment. Nothing has been awarded for loss of income. Even rate of interest has been awarded on the lower side. Learned counsel accordingly prays for enhancement of compensation.

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

5. Perusal of record of the case shows that it was the pleaded case of the appellant before the Tribunal that in the accident in question, the appellant had *“suffered multiple serious and grievous injuries on his body.”* As per the appellant, he had remained hospitalised from 21.11.2015 to



25.11.2015 as Indoor Patient and had thereafter taken treatment as Outdoor Patient. However, as per the medical bills (Ex.P2 to Ex.P26) produced by the appellant, he had spent total amount of Rs.77,679/- on his treatment. Accordingly, the learned Tribunal had rounded off the same and awarded Rs.77,680/- towards medical expenses. It was further the pleaded case of the appellant that he was earning Rs.25,000/- per month from agriculture and dairy farming and he had become permanently disabled in the accident in question. However, the appellant had failed to prove his alleged income. As such, the learned Tribunal had correctly taken income of the appellant as that of an unskilled labourer as Rs.8,000/- per month; and had awarded Rs.8,000/- on account of loss of earning and future earning. As the appellant had undergone operation, learned Tribunal had awarded Rs.25,000/- for loss of amenities of life, pain & suffering, special diet and transportation charges; thereby granting total sum of Rs.1,10,680/- (Rs.77,680/- + Rs.8,000/- + Rs.25,000/-). As per the Affidavit in evidence of PW2 Dr. Manoj Kumar, Orthopaedic Surgeon, Manoj Orthopaedic Hospital, Jind (Ex.PW2/A), the appellant had suffered the following three injuries:-

“Injury no.1 was tenderness, deformity and abnormal mobility of right leg.

Injury no.2 was tenderness, crepitus and swelling over right forearm.

Injury no. 3 was abrasion of size 2 cm x 1 cm on right ankle.

On X-ray injury no. 1 was found to be fracture of Tibia/Fibula bone of right leg. Injury no. 2 was found to be fractured ulna of right forearm. Patient was operated on 21.11.2015 by interlock nailing of right Tibia and by K wire for right ulna. Patient was



discharged on 25.11.2015 and advised for further treatment on OPD basis.”

6. Admittedly, the appellant has not suffered any permanent injury.

For the operation undergone by the appellant, medical expenses have been reimbursed to the appellant as per the bills produced by him. Admittedly, no Disability Certificate has been produced by the appellant.

7. From the above facts, it is clear that no case is made out which would merit interference with the impugned Award. 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 & Another Vs. Jasbir Kaur & Others**’ Law Finder Doc ID # 64043 and ‘**Divisional Controller K.S.R.T.C. Vs. Mahadev Shetty**’, (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 the case of “**General Manager, KSRTC Vs. Susamma Thomas & Others**” 1994 Volume-II SCC 176, the Hon’ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

8. The present appeal accordingly stands **dismissed**.

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

27.10.2025

Sunena

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

(Nidhi Gupta)

Judge