



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
255(2)**

**FAO-6921-2018(O&M)
Date of decision: 23.07.2025**

Ravinder Kumar

...Appellant(s)

Vs.

Suraj Aggarwal & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vipul Sharma, Advocate for
Mr. Ashwani Arora, Advocate
for the appellant.

NIDHI GUPTA, J.

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.51,000/- awarded by Motor Accident Claims Tribunal, Fatehgarh Sahib vide Award dated 16.11.2017 passed in MACT Case No.74 dated 19.07.2016 filed under Section 166 of the Motor Vehicles Act.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the appellant had suffered injuries in a motor vehicle accident that took place on 30.05.2016 due to the rash and negligent driving of Ford Figo bearing registration No.HR-01AE-9989 (hereinafter referred to as "the offending vehicle") by respondent No.1. The offending vehicle was owned by



respondent No.2 and insured by respondent No.3. Respondents were held jointly and severally liable to pay the aforesaid compensation amount.

3. Learned counsel for the appellant seeks enhancement of compensation on account of the fact that in the accident in question, the appellant had suffered serious injuries. The appellant Ravinder Kumar met with a roadside accident on 30.05.2016 and received serious injuries. He was 24 years of age at the time of accident. He was working as a Machine Operator with Modern Steel Limited, Mandi Gobindgarh, District Fatehgarh Sahib and was getting monthly salary of Rs.8956/-. He received serious injuries i.e. fracture acetabulum right, injury on chest, fracture on his left leg and thigh and other multiple injuries. He was initially taken to civil Hospital, Mandi Gobindgarh and from there he was referred to GMCH Sector-32, Chandigarh where he was admitted on 30.05.2016 and was operated. Thereafter he was discharged on 02.06.2016. He had spent a sum of Rs.2,00,000/- on his medical treatment. A sum of Rs.50,000/- on special diet, Rs.50,000/- on transportation, Rs.50,000/- as attendant etc. But the learned tribunal ignored all these facts and awarded only a sum of Rs.51,000/- which is grossly on the lower side, therefore, needs to be modified and enhanced.

4. No other argument is made on behalf of the appellant.

5. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the appellant.



6. From the cross-examination of eyewitness, it is established that the appellant was crossing the main highway without observing traffic rules. As such, it cannot be said with certainty that the accident was caused solely with the negligence of respondent No.1. Rather, this Court is inclined to believe that there would be an element of contributory negligence in the accident in question. However, be that as it may, without upsetting the findings of the learned Tribunal in this regard, no ground is made out to enhance the compensation awarded to the appellant also on account of the fact that in the accident in question, the appellant had received only simple injuries. No proof of employment was produced by the appellant to show that he was a skilled worker. As such, income of the appellant was to be taken as per the Minimum Wages. Even there was nothing on record to show that the appellant had undergone treatment from 30.05.2016 to 02.06.2016 as alleged.

7. In view of the above, present appeal is **dismissed**.

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

23.07.2025

Sunena

(Nidhi Gupta)
Judge

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