

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****117****FAO-4611-2024 (O&M)
Date of decision: 12.11.2025****Waseem Akram @ Naseem****...Appellant(s)****Vs.****Ishak Khan and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. M.D.Khan, Advocate with
Ms. Manpreet Kaur, Advocate for the appellant.

*********NIDHI GUPTA, J.****CM-17097-CII-2024**

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 45 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 45 days in filing the appeal is condoned.

FAO-4611-2024 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.1,06,000/- awarded by the learned Motor Accident Claims Tribunal, Nuh (for short "the learned Tribunal") vide Award dated 29.04.2024 passed in MACP Case No. 45 dated 21.01.2021 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 31.08.2020 due to the rash and negligent driving of a Truck bearing registration No. RJ-14-GJ-4635 (hereinafter “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 @ 7% per annum. All the respondents were jointly and severally held liable to pay the compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that in the accident in question, the appellant had suffered severe and grievous injuries. As such, appellant is entitled to compensation of Rs.10 lacs along with interest @ 24% p.a. However, learned Tribunal has awarded meager amount of Rs.1,06,000/-. The same deserves to be enhanced. He accordingly prays that the present Appeal be allowed; and the compensation be enhanced.

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

5. Perusal of the record shows that in the accident in question, the only injury suffered by the appellant, was a fracture in left foot. Even no Doctor was produced by the appellant to prove the said injury. It has been admitted by learned counsel for the appellant; and as is also discernible from the record that in the accident in question, appellant had not suffered any



permanent disability. This fact has also been recorded by the Tribunal in para 27 of the impugned Award.

6. It was the pleaded case of the appellant that prior to the accident he was working as milkman, supplying milk on bicycle and was earning Rs.20,000/-p.m. However, appellant had failed to produce even smidgen of evidence in this regard. Accordingly, learned Tribunal has taken income of the appellant as Rs.9,458/- p.m. as the minimum wages admissible to an unskilled worker as per the relevant Minimum Wage Notification issued by the Government of Haryana. Appellant had also produced medical bills Ex.P43 to Ex.P56 for a total amount of Rs.32,460/-, which was duly reimbursed by Tribunal. Ld. Tribunal had further awarded Rs.7,540/- towards possible future medical expenses; Rs.25,000/- towards special diet, transportation and attendant charges; Rs.25,000/- towards pain and suffering; Rs.10,000/- towards loss of income; and Rs.6,000/- towards litigation expenses; thereby granting total compensation of Rs.1,06,000/-.

7. 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**' (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.

8. 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**.

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

12.11.2025

Divyanshi

(NIDHI GUPTA)

JUDGE

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