



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
145(2)**

**FAO-4944-2025(O&M)
Date of decision: 02.12.2025**

Amit

...Appellant(s)

Vs.

Ashwani Kumar & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

**Present:- Mr. Rajiv Kumar Saini, Advocate
for the appellant.**

NIDHI GUPTA, J.

Present appeal has been filed by injured-claimant seeking enhancement of compensation of Rs.4,11,540/- awarded by the Motor Accident Claims Tribunal, Karnal (hereinafter 'the learned Tribunal') vide Award dated 17.05.2025 passed in MACP Case No.129 dated 19.02.2021 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 25.12.2020 due to the rash and negligent driving of TATA 407 bearing registration No.HR-45A-9619 (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. Respondents were held jointly and severally liable for payment of compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that in the accident in question, the appellant had suffered facial fractures, wrist fracture and laceration. No compensation has been awarded for loss of pleasure and beauty. The appellant had remained hospitalised on 25.12.2020. Even thereafter, the appellant was on the bed and is also on follow up treatment. Yet, nothing has been awarded towards Attendant charges and special diet. Very less amounts have been awarded under the other heads. Nothing has been awarded for loss of job whereas it was proved that the appellant had remained in hospital and thereafter, he is on bed and also on follow up treatment for 6 months. Even rate of interest deserves to be enhanced. Learned counsel accordingly prays that the impugned Award be modified.

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 in the Claim Petition before the Tribunal as recorded in Paras 3 and 5 of the impugned Award that:-

“3. Common facts of these two petitions, as averred by the claimants are that on 25.12.2020 the claimant Apreet, Amit s/o Rajesh Kumar and Neshant Sharma s/o Sachin were going from Jogi Majra to Karnal on motorcycle Splendor bearing No.HR-



05AL-4223 which was being driven by Apreet on moderate speed on due left hand side of the road and reached at about 12:00 Noon when they reached Nirmal Kutia Flyover meantime offending TATA 407 was going ahead of them which was being driven by its driver in zig-zag, rash and negligent manner and suddenly applied break due to which the motorcycle hit TATA 407 from backside due to which Apreet received injuries all over his body, head and right leg, Neshant received injuries on face and shoulder etc. and Amit also received injuries including injury on left eye. After the accident the injured/claimants were taken to Amritdhara Hospital, Karnal. The present accident and injuries to claimants took place due to the sole, rash, negligent and careless driving of the driver of the offending Vehicle bearing registration No.HR45A-9619. On the basis of above facts, the police registered FIR No.677 dated 25.12.2020 u/s 279/337 IPC at PS. Sector 32-33, Karnal.

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5. In claim petition no.3, it was averred that claimant/injured Amit was aged about 22 years and he had passed ITI and was doing apprentice at Electricity Board, Pipli. He remained admitted in hospital as indoor patient from 25.12.2020 to 3.1.2021 in Amritdhara Hospital, Karnal where he was operated upon and his treatment was still going on. He spent ₹ 6 lacs approximately on his treatment, medicines, special diet, transportation and physician fee etc. It has, therefore, been prayed that the claimant be awarded compensation to the tune of ₹ 80,00,000/- (Eighty Lacs) alongwith interest at the rate of 18% per annum from the date of accident till the actual realization of the award amount.”



6. From the facts narrated above, it is clear that at the time of accident, the appellant was triple riding on the motorcycle in question. At this stage, reference is made to a judgment passed by this Court in **Angrejo Devi v. Jai Parkash (P&H): Law Finder Doc Id # 401182**; wherein it is held as under:-

“Motor Vehicles Act, 1988, Section 128 - Motor Vehicles Act, 1988, Section 166 - Contributory negligence - Fatal motor accident - Deceased was driving with two passengers on pillion seat in violation of Section 128 of M.V. Act - Accident caused by rash and negligent driving of motor cycle by respondent - The deceased was aged 50 years and there was every possibility of losing control - Held, it was case of contributory negligence of deceased in the ratio of 50% each.”

7. Reference is also made to judgment passed by Madras High Court in **Managing Director, Tamil Nadu State Trans. Corpn. Ltd. v. Abdul Salam (Madras)(DB): Law Finder Doc Id # 380518**; holding that:-

“A. Rash and Negligence - Contributory negligence - Pillion rider - Triple riding - Collision between a bus and motor cycle resulting in death of one of the pillion riders - Deceased was travelling in motor cycle as one pillion riders - Tribunal held that accident occurred due to rash and negligent driving of the bus - Defence that three persons were riding the motor cycle and it was unbalanced and accident occurred due to rash and negligent driving of the motor cycle - Motorcyclist was at fault for carrying two pillion riders not permitted by law - Hence,



Held that deceased was liable for 5% of contribute or negligence and consequently 50% of the compensation is deducted to words contributory negligent - Appellate court reversed the finding and held the deceased guilty of contributory negligence to the extent of 50 per cent - Therefore, appeal partly allowed.”

8. Thus, in view of the factual and legal position noted above, Id. Tribunal has correctly made deduction of 50% towards contributory negligence.

9. It has also been contended on behalf of the appellant that the offending vehicle had applied brakes suddenly as a result of which, the motorcycle on which the appellant was traveling, had struck into the offending vehicle. Reference is made to Rule 23 of the Rules and Road Regulation 1999, which reads as follows: –

“23. Distance from vehicles in front.- The driver of a motor vehicle moving behind another vehicle shall keep at a sufficient distance from the other vehicle to avoid collision if the vehicle in front should suddenly slow down or stop.

10. Thus, Rule 23 categorically stipulates that safe distance be maintained from the vehicle in front. Clearly, the co-claimant was driving the motorcycle at a fast speed to have struck into the offending vehicle with such impact to result in injuries to the claimant.

11. It has next been contended on behalf of the appellant that less compensation has been awarded under all the heads. However, admittedly, the accident in question, the appellant has not suffered any permanent



disability. Accordingly, keeping in view the entirety of the facts and circumstances of the case, the Tribunal has awarded compensation as follows: -

Head	Amount
Medical expenses	Rs.3,61,540/-
Attendant charges including diet for 10 days i.e. Rs.1000/- per day	Rs.1000/- x 10 = Rs.10,000/-
Pain and suffering	Rs.20,000/-
Loss of amenities	Rs.20,000/-
Total compensation	Rs.4,11,540/-

12. I find no error in the compensation awarded by the learned Tribunal. Learned counsel for the appellant has made out no ground for enhancement of compensation. The present appeal accordingly stands **dismissed**.

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

02.12.2025

Sunena

(Nidhi Gupta)
Judge

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