

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****119****FAO-7517-2017 (O&M)****Date of decision: 18.08.2025****Beena @ Veena****...Appellant(s)****Vs.****Sachin Kumar and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Puneet Munjal, Advocate with
Mr. Manoj Pundir, Advocate for the appellant.

NIDHI GUPTA, J.**CM-24906-CII-2017**

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 of CPC is for condonation of delay of 95 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is supported by an affidavit of the applicant/appellant, the same is allowed and the delay of 95 days in filing the accompanying appeal is condoned.

FAO-7517-2017 (O&M)

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.25,000/- awarded by the Id. Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (for short "the learned Tribunal") vide Award dated 17.02.2017 passed in MACT Case No.



13 dated 10.02.2016 filed under Section 163-A of the Motor Vehicles Act, 1988 (hereinafter referred to as “the Act”).

2. Brief facts of the case are that the learned Tribunal on the basis of evidence adduced by the parties concluded that the appellant/injured-claimant had received injuries in a motor vehicular accident that took place on 25.02.2015 at about 1:00 p.m. due to the rash and negligent driving of a Motorcycle bearing registration No. HR-02-AG-5156 (hereinafter referred to as “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 @ 8% per annum. Respondents No. 2 and 3 were jointly and severally held liable to pay the amount of compensation

3. Learned counsel for the appellant submits that in the accident in question, the appellant had suffered knee fracture, as a result of which, she had suffered 10% permanent disability. Yet only meagre amount of Rs.25,000/- has been awarded. It is further submitted that nothing has been awarded towards transportation, attendant charges or special diet. It is contended that the appellant has spent huge amount on the service of attendant as she was unable to do her routine work and was unable to walk and stand without the assistance of attendant. Even nothing has been granted towards pain and suffering despite the fact that the appellant had received serious and grievous injuries on the different parts of her body including fractures in her legs and arms. She remained in the hospital for 8 days. She had suffered lots of pain, but the Tribunal had



given nothing in this regard. Moreover, Id. Tribunal had wrongly awarded interest @ 8% p.a.; whereas it should have been at least 12% p.a. It is accordingly prayed that the present Appeal be allowed; and the impugned Award be enhanced.

4. No other argument is raised on behalf of the appellant.
5. 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.
6. Id. Tribunal in para 2 of the impugned Award has noted that the appellant had filed the claim petition with the following averments: -

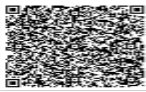
“2. The claimant-petitioner has filed the present petition alleging inter-alia, that on 25.2.2015, she along with her mother-in-law Kanta Devi and sister-in-law Lata Rani was going to quality furniture, Yamuna Nagar and at about 1 PM, when reached she near her destination, meanwhile, a motor cycle bearing registration no. HR-02-AG-5156, being driven by the respondent no. 1 came from the side of ITI, Yamuna Nagar. All of a sudden, a dog appeared in front of the said motor cycle, due to which the motor cyclist lost control over the motor cycle and it hit the claimant-petitioner. Due to the impact, the claimant-petitioner sustained multiple and grievous injuries. She was taken to civil hospital, Yamuna Nagar from where she was evacuated to Kohli Hospital, Yamuna Nagar, from where she was discharged on 2.1.2016. It has been further pleaded that the expenses incurred by the claimant-petitioner upon her medical treatment have been got reimbursed as she was insured. However, the claimant-petitioner had spent a sum of Rs. 50,000/- on transportation, attendant and special diet etc. and further that the injuries sustained in the accident have led the claimant-petitioner



permanently disabled. It has been further pleaded that a DDR bearing no. 10 dated 6.1.2016 in respect of the accident in question was got registered in Police Station City, Yamuna Nagar.” (Emphasis is mine)

7. With these pleadings, appellant had prayed for compensation of Rs.5 lacs along with interest thereupon. However, a perusal of the above shows that it has nowhere been pleaded in the claim petition that appellant had suffered fracture of upper tibia right with restriction of movements of right knee. All that has been generically stated is that the claimant has sustained “multiple and grievous injuries”. When confronted with this, learned counsel for the appellant has stated that in the present Grounds of Appeal, it has been pleaded that the appellant had suffered knee fracture. However, even as per the MLR and discharge summary (Mark B and Mark C respectively), it is recorded that appellant had only sustained “multiple and grievous injuries”. Thus, Id. Counsel was unable to establish with regard to the exact nature and extent of injury suffered by the appellant.

8. Further, as per the disability certificate Ex.P1, the appellant was stated to have suffered permanent disability to 10%. This fact has also been testified by PW2 Dr. Anuj Mangla Senior Medical Officer, Civil Hospital, Yamuna Nagar, Jagadhri. However, Appellant has produced no evidence to show any expenses incurred by her towards transportation, attendant, or special diet. In these circumstances, reference may be made to a 3-Judge Bench judgment of the Hon’ble Supreme Court in the case of **“Reshma Kumari v. Madan Mohan (SC) 2013(5) Scale 160; Law Finder**



Doc ID # 421379; holding that: “Motor Vehicles Act, 1988, Section 168 - Section 168 provides that amount of compensation awarded by the Claims Tribunal which appears to it to be just - The expression, 'just' means that the amount so determined is fair, reasonable and equitable by accepted legal standards and not a forensic lottery - Obviously 'just compensation' does not mean 'perfect' or 'absolute' compensation - The just compensation principle requires examination of the particular situation obtaining uniquely in an individual case.”

9. Keeping in view the totality of the facts and circumstances of the case as noted above, I find no error in the lumpsum compensation of Rs.25,000/- awarded by the learned Tribunal to the appellant.

10. The present appeal stands **dismissed**.

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

18.08.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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