

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**143****Date of decision: 20.01.2026****FAO-1090-2025(O&M)****Sagar****...Appellant(s)****Vs.****Ram Jag & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Kamal Kumar Mor, Advocate
Mr. Ajay Patter, Advocate
for the appellant.

NIDHI GUPTA, J.
CM-3268-CII-2025

This is an application under Section 5 of Limitation Act for condonation of delay of 83 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of the appellant, the same is allowed subject to all just exceptions and delay of 83 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by injured-claimant seeking enhancement of compensation of Rs.1,90,000/- awarded by the Motor Accident Claims Tribunal, Panipat (hereinafter 'the learned Tribunal') vide Award dated 19.07.2024 passed in MACT Case No.435 dated 07.10.2021 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 11.08.2021 due to the rash and negligent driving of Tanker bearing registration No.DL-1-GC-3755 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The said compensation has been awarded along with interest @ 7% per annum. Respondents were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that the learned Tribunal has not assessed any loss of income and the same should be reconsidered and awarded accordingly. It is further submitted that learned Tribunal has awarded Rs.1,50,000/- towards medical expenses which is on the lower side and deserves to be enhanced. Even, the amounts awarded under the other heads are on the lower side and deserve to be enhanced. Nothing has been awarded towards loss of future prospects. Nothing has been awarded under the head of loss of amenities. It is accordingly prayed that the impugned Award be modified and compensation be enhanced as above.

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

5. Perusal of the record of the case shows that it was the pleaded case of the appellant that in the accident in question, the appellant had received "*multiple injuries*". It was further pleaded that the appellant had spent Rs.2,00,000/- on his treatment and as a result of the accident the appellant is unable to do any work. However, as per the evidence on record in particular the testimony of PW3-Dr. Varun Chauhan, Angel Care Hospital, Panipat, in the accident in question the appellant had been admitted to the said hospital on 13.08.2021 and had suffered "*crush injury of right heel and foot, left knee, lower abdomen and multiple abrasion on face and other body parts*". PW3 had further deposed that the appellant had been operated upon for the said injuries and debridement was done and the appellant was discharged on 16.08.2021. PW3 had also proved the treatment record (Ex.P41, Ex.P42), bills (Ex.P43 to Ex.P51). The medical bills (Ex.P2 to Ex.P40) were proved by PW2-Rajat, Record Keeper. Thus, total medical bills of Rs.1,50,000/- were proved. Admittedly in the accident in question the appellant had not suffered any permanent disability or even any temporary disability. This fact has been admitted by the learned counsel for the appellant during the course of argument. It had further been pleaded by the appellant that prior to the accident he was earning Rs.12,000/- per month by coaching students. However, no proof of income was produced by the appellant. Age of the appellant was determined to be 21 years as per the pleadings. Accordingly, the learned Tribunal has awarded compensation in the following manner:-

Head	amount
Loss of income	Nil
Medicines	Rs.1,50,000/-
Attendant charges	Rs.5,000/-
Special diet	Rs.5,000/-
Transportation	Rs.5,000/-
Pain and suffering	Rs.25,000/-
Total	Rs.1,90,000/-

6. From the above facts, it is clear that a very just and fair compensation has been awarded to the appellant. Medical expenses have been reimbursed to the appellant as per the bills produced by him. Admittedly, appellant has not suffered any permanent disability. As such, in the fact and circumstances of the case, adequate compensation has been awarded. 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 & Another Vs. Jasbir Kaur & Others**’ 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 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.

7. In view of the above noted factual and legal position, the present appeal accordingly stands **dismissed**.
8. Pending application(s) if any also stand(s) disposed of.

20.01.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No