



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

126

FAO-749-2025 (O&M)
Date of decision: 28.01.2026

Ashwani Kumar

...Appellant(s)

Vs.

Subhash Chander and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

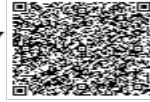
Present:- Mr. Sunil Bhardwaj, Advocate for the appellant.

NIDHI GUPTA, J.

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.1,66,801/- awarded by the learned Motor Accident Claims Tribunal, Rohtak (for short "the learned Tribunal") vide Award dated 05.12.2024 passed in MAC Petition No. 137 dated 20.11.2019 filed under Section 166 of the Motor Vehicles Act, 1988.

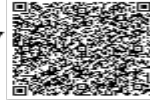
2. Brief facts of the case are that the Id. Tribunal on the basis of evidence adduced by the parties concluded that the appellant had suffered injuries in a motor vehicular accident that took place on 20.02.2019 due to the rash and negligent driving of a Canter bearing registration No. PB-10GW-4251 (hereinafter "the offending vehicle") being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The above compensation was awarded with interest @ 9% p.a. All the respondents were held jointly and severally liable to pay the amount of compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that income of the deceased has been taken on



the lower side as only Rs.8827/- p.m. It is submitted that the appellant had duly proven on record that the appellant was a JBT Teacher; and earning Rs.43,334/- p.m. Appellant has placed on record Certificate Ex.P6 to prove his employment and income. Thus, learned Tribunal could not have assessed notional income of the appellant as only Rs.8,827/- p.m. It is further submitted that nothing has been awarded by the learned Tribunal towards future medical expenses. Even nothing has been granted towards medical expenses incurred by the appellant in his treatment. It is pointed out that in the accident in question, the appellant has suffered 12% permanent disability, as a result of which, he is unable to continue with his daily routine work. Appellant had duly proved his case by examining eyewitness PW1. Appellant had also produced voluminous documentary evidence in the form of the discharge slip of PGIMS, Rohtak as Ex.P3; discharge slip of Sada Shivam Neuro center as Ex.P4; OPD Card of Chander Mohan Charitable Clinic as Mark A; medical certificate of Sada Shivam Hospital as Mark B; copy of Bank Passbook as Ex.P5; copy of salary certificate as Ex.P6; proved Medical Bills as Ex.P7 to Ex.P38; uncertified copy of challan as Ex.P39; and disability certificate as Ex.P40. However, all this evidence has been disregarded by the learned Tribunal and measly compensation of only Rs.1,66,801/- has been awarded. 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. It is the contention of the appellant that prior to the accident, he was working as a JBT Teacher and earning Rs.43,334/- p.m. To prove his said assertion, appellant had produced Ex.P6, which was a Certificate issued by the Principal, Govt. Senior Secondary School Khandawali, Faridabad. However admittedly, appellant failed to examine any official or clerk of the said school to prove the said Certificate. In this circumstance, learned Tribunal had rightly assessed notional income of the appellant as Rs.8,827/- p.m. on the basis of D.C. rate prevailing in the year 2019.

6. Further from Discharge Card Ex.P3, and other documentary evidence produced by the appellant, it is clear that in the accident in question, appellant had suffered fracture B/B left side. It was also submitted that the appellant had remained hospitalized from 20.02.2019 to 27.02.2019; and from 13.03.2019 to 16.03.2019 i.e. for a total period of 12 days. Yet, learned Tribunal had awarded loss of income of Rs.17,654/- for a period of 2 months.

7. Appellant had also produced medical bills Ex.P7 to Ex.P38. However, appellant had failed to examine any Dispenser/Accountant/Clerk or any other concerned person from the pharmacy to prove the said medical bills. Further, as per the Disability Certificate Ex.P40, appellant has suffered 12% temporary disability due to fracture left phox tibia, which was operated in 2019, which may restrict knee range of motion left side and shortening of left lower limb. It was the own pleaded case of the appellant that prior to the accident, he was a Teacher. Undisputedly as per law, functional disability is to be assessed as per the effect of the disability on the earning capacity of the

injured. Keeping in mind the fact that appellant was a Teacher, learned Tribunal had correctly assessed functional disability of the appellant as 5%; and granted compensation in the following manner: -

Sr. No.	Compensation amount towards Heads	Amount
1.	Towards loss of earning	Rs.17,654/-
2.	Towards medical expenses	-----
3.	Towards fracture	Rs.25,000/-
4.	Towards temporary disability	Rs.74,147/-
5.	Towards pain and suffering	Rs.40,000/-
6.	Towards special diet	Rs.10,000/-
	Total amount	Rs.1,66,801/-

8. 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. 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 and another” (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.

9. Accordingly, the present appeal is hereby **dismissed**.

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

28.01.2026

(NIDHI GUPTA)

Divyanshi

JUDGE