



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-959-2023 (O&M)
Date of decision: 20.04.2026

Ram Pal

...Appellant(s)

Vs.

Amjad and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sanjay Jain, Advocate for the appellant.

NIDHI GUPTA, J.

CM-3827-CII-2023

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 30 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 30 days in filing the appeal is condoned.

FAO-959-2023 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.1,01,582/- awarded by the learned Motor Accident Claims Tribunal, Ambala (for short "the learned Tribunal") vide Award dated 21.09.2022 passed in MACT Case No. 325 dated 12.09.2018 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 31.05.2018 due to the rash and negligent driving of a Tractor Trolley bearing registration No. UP-11BK-1147 (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 @ 7% per annum. Respondents No.1 and 2/driver and owner of the offending vehicle were held liable to pay the said compensation as no Registration Certificate, Driving License, or Insurance Policy was produced by them.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that in the accident in question, appellant has suffered permanent disability. Yet, learned Tribunal has awarded meager compensation of only about Rs.1 lac. Id. Tribunal has not properly appreciated the loss of income on account of permanent disability suffered by the appellant. Learned Tribunal has also failed to appreciate with regard to loss of future earning. Even the future expenses to be incurred by the appellant have not been considered by the Tribunal while considering the compensation. Sufficient amount has not been awarded under the conventional heads. Interest only @ 7.5% p.a. has been awarded; whereas it should be 12% p.a. Further, income of the appellant has been assessed on the lower side.



4. In support, learned counsel for the appellant further relies upon judgment of Hon'ble Supreme Court passed in **Sidram vs. Divisional Manager, United India Insurance Co. Ltd., (SC): Law Finder Doc Id # 2066501**; wherein it is held that *"compensation for future prospects even in case of permanent disablement incurred as result of motor-accident."*

5. He accordingly prays that the present Appeal be allowed; and the impugned Award be modified by enhancing compensation in above terms.

6. No other argument is raised 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 learned counsel for the appellant.

7. Perusal of the record of the case shows that it was the pleaded case of the appellant in the Claim Petition that prior to the accident, he was working as a Driver and was earning Rs.20,000/- p.m. however, the appellant had failed to adduce either of the said employment or income. Appellant had further pleaded that in the accident in question, appellant had *"Sustained injuries on his right arm and other parts of the body."* Perusal of the medical evidence on record shows that as per the Discharge Card Ex.P1, appellant had remained hospitalized from 31.05.2018 to 15.06.2018. Discharge Card Ex.P1 was proved by PW1 Dr. Vijay Kumar, Orthopaedic Surgeon, Civil Hospital, Ambala City. As per the Disability Certificate Ex.P2, the claimant has suffered *"20% disability due to stiffness of right elbow"*. The said Disability Certificate Ex.P2 was proved by the appellant by examining PW2 Dr Vikas Paul, Civil Hospital, Ambala City.



8. However, it is to be seen as to how the said disability prevents the appellant from earning his livelihood. As noted above, the appellant had failed to prove his alleged profession as a driver and income as ₹20,000/- per month. Accordingly, the Id. Tribunal had observed that due to stiffness in right elbow, no impediment was caused to the appellant in earning his livelihood. The learned Tribunal has observed that *“there is no evidence produced by the claimant to show that due to said disability, he is not able to do any kind of work. Hence, functional disability of the claimant is taken as 5% for the whole body.”*

9. Even before this Court, learned counsel for the claimant/appellant has not produced any evidence to show as to how stiffness in right elbow is impeding the appellant in earning his livelihood.

10. Keeping in view the above fact, Id. Tribunal has taken income of the appellant as ₹9,868/- as a daily wage worker as per the DC rates applicable at the time. The final income of the appellant was assessed by the Tribunal as Rs.7,896/- p.m. by excluding Sundays and one day of no work. I find no error in the same.

11. Furthermore, contrary to the assertions made by learned counsel for the appellant, there is nothing whatsoever on record to indicate that the said disability of the appellant is permanent in nature. Learned counsel for the appellant has failed to bring anything to the notice of this Court to show that the said disability is permanent in nature. As such, reliance of the appellant upon the judgment passed in **Sidram’s case (supra)** is misplaced; as in the said case, claimant therein had suffered

permanent disability of 45%; whereas in the present case, appellant has suffered 5% functional disability qua the whole body.

12. Keeping in view the above facts, learned Tribunal had awarded compensation in the following manner:-

Sr. No.	Heads	Calculation (in Rs.)
(i)	Minimum annual income he would have got.	Rs.94,752/-
(ii)	Loss of future earnings per annum (5% of the expected annual income)	Rs.4,737/-
(iii)	Multiplier applicable with reference to age	14
(iv)	Loss of future earnings: (4,737/- x 14)	Rs.66,318/-
(v)	Pain and mental suffering	Rs.25,000/-
(vi)	Transportation charges	Rs.5,000/-
(vii)	Loss of income during treatment	Rs.5,264/-
(viii)	Compensation on account of disability	Rs.66,318/-
	Total compensation awarded	Rs.1,01,582/-

13. I find no error in the compensation assessed by Id. Tribunal.

14. From the above facts, it is clear that a 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 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 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.

15. Accordingly, I find that no ground is made out for enhancement of the compensation awarded by the learned Tribunal. The present Appeal stands **dismissed**.

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

20.04.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

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