



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-850-2025 (O&M)
Date of decision: 23.01.2026

Mohit Chauhan

...Appellant(s)

Vs.

Mikunj Arora and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Chirag Sharma, Advocate for the appellant.

NIDHI GUPTA, J.

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.1,93,081/- awarded by the learned Motor Accident Claims Tribunal, Gurugram (for short "the learned Tribunal") vide Award dated 09.01.2025 passed in MACT Case No. 108 dated 28.09.2023 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 26.06.2023 due to the rash and negligent driving of a vehicle bearing registration No.HR-12V-5569 (hereinafter referred to as "the offending vehicle") being driven and owned by respondent No.1; and insured by respondent No.2. The above said compensation was awarded along with interest @ 7% per annum. Respondent No.2-Insurance Company was held liable to pay the amount of compensation.



3. Learned counsel for the appellant seeks enhancement of compensation by submitting that less amount has been given under the medical bills. The appellant has even spent Rs.50,000/- on transportation and follow up treatment. However, learned Tribunal had erred by granting nothing for transportation. Even meager amount of Rs.10,000/- has been awarded for pain and suffering. Rate of interest should be 18% p.a. It is accordingly prayed that the present appeal be allowed; the Award be modified; and 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. Admittedly, in the accident in question, the appellant has suffered no permanent disability. As per the Claim Petition, the appellant had fallen down on the road and *"sustained multiple and grievous injuries on all over his body, and had allegedly become unconscious at the spot."* However, perusal of the record reveals that the appellant has failed to examine any doctor to prove his alleged injuries. Nonetheless, Id. Tribunal has noted that the appellant has *"sustained injuries in this accident."*

6. As per the appellant, he had remained admitted in Ayushman Hospital and Trauma Centre, Gurugram from 26.06.2023 to 03.07.2023 and spent more than Rs.6 lacs on his treatment. However, the appellant had failed to examine any doctor in this regard as well. Besides himself as PW1, appellant had only examined PW2 Balram Accountant, Ayushman Hospital and Trauma Centre, Gurugram; and PW4 Ritesh, Record Keeper of M/s. Vaibhav Pharmacy Ayushman Hospital, Gurugram to prove the medical bills



Ex.P6 and Ex.P9 to Ex.P14 for amounts of Rs.92,000+Rs.32,994 respectively. Appellant had also placed on record receipts/bills Ex.P16 to Ex.P26 for an amount of Rs.23,087/-. Accordingly, learned Tribunal had reimbursed the said amount of Rs.1,48,081/- towards medical expenses (Rs. 92,000+Rs.32,994+ Rs.23,087).

7. It is further the pleaded case of the appellant that prior to the accident, he was working as Munshi and getting salary of Rs.30,000/- p.m. To support his case, appellant had examined PW3 Deepak Chauhan, Proprietor of Mini Truck Transport, Gurugram, who had placed on record document Ex.P8 to prove that the appellant was drawing salary of Rs.30,000/-p.m. However, during his cross-examination, PW3 has admitted that the appellant was not working with him. Yet, learned Tribunal has awarded an amount of Rs.30,000/- on account of loss of income. Learned Tribunal has further awarded Rs.10,000/- for pain and suffering; and Rs.5,000/- for special diet; thereby granting total compensation of Rs.1,93,081/- (Rs.1,48,081+Rs.30,000+Rs.15,000).

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 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.

9. Accordingly, the present appeal is hereby **dismissed**.
10. Pending application(s), if any, also stand(s) disposed of.

23.01.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No