

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****110****FAO-1781-2025 (O&M)**
Date of decision: 08.05.2026**Mewa Singh****...Appellant(s)****Vs.****Gurvinder Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Ravinder Arora, Advocate for the appellant.

Mr. Punit Jain, Advocate for
respondent No.3-Insurance Co.

NIDHI GUPTA, J.**CM-5584-CII-2025**

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 9 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 9 days in filing the accompanying appeal is condoned.

FAO-1781-2025 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.80,000/- awarded by the learned Motor Accident Claims Tribunal, Chandigarh (for short "the learned



Tribunal”) vide Award dated 08.11.2024 passed in MACP Case No. 634 dated 07.12.2021 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 30.09.2021 at about 01:30 p.m. due to the rash and negligent driving of a Ford Ikon Car bearing registration No. PB31-H-5199 (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 @ 9% per annum. All the respondents were jointly and severally held liable to pay the amount of compensation.

3. Learned counsel for the appellant *inter alia* submits that very meager amount of compensation has been awarded to the appellant as in the accident dated 30.09.2021, appellant had suffered serious and multiple injuries on his mouth, face, both jaws, head, legs, arms and other parts of the body. Appellant had remained hospitalized from 30.09.2021 to 01.10.2021. Thereafter, the appellant had even undergone dental treatment as he suffered multiple injuries on his teeth and jaws. Appellant had also suffered fractures of patella and bilateral maxilla. It is contended that keeping in view the multiple injuries suffered by the appellant, compensation awarded is insufficient.

4. It is accordingly prayed that the present Appeal be allowed; and impugned Award be modified; and the compensation be enhanced.



5. *Per contra*, learned counsel for respondent No.3 opposes submissions made on behalf of the appellant and submits that the impugned Award suffers from no infirmity as the compensation awarded to the appellant is just and fair. Hence, the present Appeal deserves to be dismissed.

6. No other argument is raised on behalf of the parties. 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.

7. Perusal of the record shows that it was the pleaded case of the appellant that prior to the accident, he was doing agricultural work and dairy farming and earning Rs.30,000/- p.m. It is also claimed in the Claim Petition; as also in para 3 of the present Appeal that in the accident dated 30.09.2021, appellant has suffered “100% permanent disability”. However, perusal of para 23 of the impugned Award shows that it has been categorically recorded therein by the learned Tribunal that the said claim of the appellant in regard to his alleged, permanent disability was proved to be false as the appellant “*could not produce any document in that regard.*” Further, at the time of argument, Id. counsel for the appellant has very fairly admitted that in the said accident, appellant has not suffered any permanent disability.

8. Further, a perusal of the Claim Petition shows that it was pleaded therein by the appellant that he had suffered injuries on his mouth, face, both jaws, head, legs, arms and other parts of the body. To prove his injuries, appellant himself had stepped into witness box as PW1



and tendered his Affidavit Ex.PW1/A. Appellant had also produced Admission Card Ex.P9, and Discharge Summary Ex.P11 in which it is recorded that the appellant had been admitted to Govt. Multi Specialty Hospital, Sector 16, Chandigarh, as a case of road side accident and was discharged on 01.10.2021. It is further recorded that appellant had bleeding from his nose and pain in legs and jaws. As per x-ray, appellant had suffered comminuted fracture in Patella. As per prescription slip Ex.P8 and bill Ex.P3, appellant had also suffered bilateral maxilla fractures for which implanting was done. However, the said medical record is unreliable as appellant has not examined any Doctor or Chemist to prove the same. Yet, learned Tribunal on the basis of medical bills Ex.P3, Ex.P5, Ex.P6 and Ex.P17 to Ex.P19 for total amount of Rs.36,486/-, had awarded an amount of Rs.40,000/- towards medical treatment and had further awarded compensation in the following manner:-

Sr. No.	Head	Amount
1.	Expenses on Medical treatment and Medicines	Rs. 40,000/-
2.	Expenses towards Special diet	Rs. 5,000/-
3.	Expenses towards Attendant and Transportation	Rs. 5,000/-
4.	Loss of Income during bed rest	Rs.20,000/-
5.	Pain and Sufferings on account of injuries	Rs. 10,000/-
	Total	Rs.80,000/-

9. 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.

10. Accordingly, I find no error in the compensation awarded by the learned Tribunal; and no ground is made out for enhancement of compensation. The present Appeal stands **dismissed**.

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

08.05.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

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