



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4519-2019 (O&M)
Date of decision: 12.05.2026

Ishwar Kumar

...Appellant

Versus

Avtar Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Rajesh K. Dhankar, Advocate for the appellant.

DEEPAK GUPTA, J. (ORAL)

CM-15041-CII-2019 & CM-14979-CII-2019

Heard.

For the reasons mentioned in the applications, the same are allowed and delay of 01 day in filing the appeal; and delay of 52 days in re-filing the appeal are hereby condoned.

FAO-4519-2019

The present appeal has been preferred by the claimant seeking enhancement of compensation by way of modification of the award dated 30.11.2018 passed by the learned Motor Accident Claims Tribunal, Sangrur.

2. Briefly stated, the claimant-appellant sustained injuries in a motor vehicular accident which occurred on 15.02.2017 due to rash and negligent driving of truck bearing registration No.PB-13-AB-4399. In the petition filed under Section 166 of the Motor Vehicles Act against the driver, owner and insurer of the offending vehicle, the learned Tribunal awarded compensation of ₹2,27,953/- along with interest vide award dated 30.11.2018 and held the respondents jointly and severally liable to satisfy the award.

3. Learned counsel appearing on behalf of the appellant has



contended that the compensation awarded by the learned Tribunal is inadequate and does not commensurate with the nature of injuries suffered by the claimant and the period during which he remained under treatment.

4. I have heard learned counsel for the appellant and have perused the record.

5. The scope of interference in an appeal seeking enhancement of compensation is limited to examining whether the compensation awarded by the Tribunal is just, fair and reasonable. Unless it is demonstrated that the Tribunal has ignored a relevant head of compensation or has awarded compensation which is palpably inadequate, interference is not warranted.

6. In the present case, the medical record reveals that the claimant remained hospitalized from 16.02.2017 to 23.02.2017 i.e. for about eight days. The injuries noticed were haemorrhagic contusions in the right occipital region with right pneumothorax accompanied by subcutaneous emphysema. However, at the time of discharge, the condition of the claimant was found stable.

7. Significantly, there is no evidence on record to establish that the claimant suffered any fracture or permanent disability on account of the accident. No disability certificate has been produced. There is also no evidence that any surgical procedure was undertaken or that the injuries resulted in any long-term functional impairment affecting the earning capacity of the claimant.

8. The learned Tribunal has already awarded medical expenses to the tune of ₹73,453/- on the basis of medical bills Ex.C1 to Ex.C47 produced by the claimant. The said amount fully covers the actual treatment expenses proved on record.

9. The Tribunal further assessed the monthly income of the claimant at ₹26,875/- on the basis of income tax return produced by him and awarded loss of income for a period of four months. In the absence of any evidence showing prolonged incapacity or permanent disability, grant of loss of income for four months cannot be said to be inadequate.

10. Apart from the aforesaid amounts, compensation has also been awarded under the conventional heads including pain and suffering, transportation charges, special diet and attendant charges. The compensation granted under these heads appears to be reasonable and commensurate with the nature of injuries and duration of treatment.

11. Learned counsel for the appellant has failed to point out any specific head under which compensation has either been denied or inadequately assessed by the learned Tribunal. Mere assertion that the amount awarded is on the lower side, without any supporting evidence regarding permanent disability, future treatment, prolonged hospitalization or loss of earning capacity, cannot constitute a valid ground for enhancement.

12. It is well settled that compensation under the Motor Vehicles Act is required to be “just compensation” and not a source of profit or windfall. The award passed by the Tribunal, in the facts and circumstances of the present case, satisfies the said requirement.

13. Consequently, this Court finds no infirmity or inadequacy in the compensation awarded by the learned Tribunal warranting interference.
Dismissed.

12.05.2026
Yogesh

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No