

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****128****Date of decision: 15.01.2026****FAO-2584-2023(O&M)****Jasvir Singh****...Appellant(s)****Vs.****Rajiv Vashisht & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Gurminder Singh Salana, Advocate
Mr. S.S. Sandhu, Advocate
for the appellant.

*********NIDHI GUPTA, J.****CM-9264-CII-2023**

This is an application under Section 5 of Limitation Act for condonation of delay of 229 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of the appellant, the same is allowed subject to all just exceptions and delay of 229 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by injured-claimant seeking enhancement of compensation of Rs.2,15,810/- awarded by the Motor Accident Claims Tribunal, Fatehgrah Sahib (hereinafter 'the learned Tribunal')



vide Award dated 20.05.2022 passed in MACT Case No.10 dated 08.07.2020 filed under Section 166 of the Motor Vehicles Act (hereinafter “the Act”).

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the appellant had suffered injuries in a motor vehicular accident that took place on 16.03.2020 due to the rash and negligent driving of the Car bearing registration No.DL-4C-AN-7508 being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The said compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation amount.

3. It is inter alia submitted by learned counsel for the appellant that compensation awarded to the appellant is on the lower side. It is submitted that prior to the accident, the appellant was working as a Mechanic. It is proven fact on record that in the accident in question, the appellant had suffered 10% disability. As a result, the appellant is unable to discharge his previous duties. Yet the learned Tribunal has awarded only a meagre amount of Rs.2,15,810/-. It is contended that the appellant had spent Rs.5 lakh on his treatment alone. The learned Tribunal has also failed to correctly determine and appreciate the extent of injuries suffered by the appellant. In these circumstances, the compensation awarded to the appellant is not sufficient. It is reiterated that the accident had taken place



on 16.03.2020. As per the Disability Certificate dated 25.04.2022, the appellant had suffered 10% disability. It is argued that seriousness of the injuries suffered by the appellant was such that even two years after the accident, the disability of the appellant was assessed to be 10%. It is accordingly prayed that the impugned Award be modified with regard to enhancement of compensation.

4. No other argument is made 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 the appellant.

5. Perusal of record of the case shows that it was the pleaded case of the appellant that in the accident in question, the appellant had suffered *“grievous injuries on his left leg, left arm, right eye and right side of his face and other parts of his body...”*. Despite Court query, learned counsel for the appellant has been unable to apprise this Court in respect of the exact nature of the injuries sustained by the appellant.

6. Furthermore, a perusal of the Disability Certificate dated 25.04.2022 (Ex.C19) shows that the appellant has suffered *‘temporary locomotor disability of 10%.’* Said Disability Certificate further shows that diagnosis in the case of the appellant is **“mild weakness”**. As per the Disability Certificate, the appellant was required to get his disability reviewed after one year. However, there is nothing brought on record to show that disability was reviewed by the appellant after one year. In these



circumstances, I find no error in the amount of Rs.25,000/- awarded by the learned Tribunal towards pain and suffering.

7. It has next been contended by the appellant that prior to the accident, he was employed as a Truck Mechanic in the Workshop under the name and style of Vishkarma Workshop and was owner of one truck. However, the appellant has produced no evidence on record to prove the said assertion. No medical evidence has been produced to show how the purported disability will impede the appellant in his alleged employment. Moreover, even the employment itself of the appellant is not proved. It is also to be noted that in the FIR, number of the offending vehicle had been mentioned as DL-4C-AM-7508; whereas during his evidence, the appellant had clarified that the actual number of the offending vehicle was DL-4C-AN-7508. The appellant had also produced medical bills as Ex.C18; final bill dated 23.03.2020 (Ex.C6, C18, C20 to C37); and Discharge Summary (Ex.C7); as per which the appellant had spent Rs.1,77,806/- on his treatment. Accordingly, the learned Tribunal had awarded compensation in the following manner:-

Head	Amount
Hospitalisation charges, treatment expenses and future treatment expenses	Rs.1,77,806/-
Special diet and attendant charges	Rs.10,000/-
Transportation charges	Rs.3,000/-
Pain and suffering	Rs.25,000/-
Loss of future earnings	Nil
Total	Rs.2,15,806/- rounded off to Rs.2,15,810/-



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 & Another Vs. Jasbir Kaur & Others**' Law Finder Doc ID # 64043 and '**Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty**', (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.

9. In view of the above noted factual and legal position, the present appeal accordingly stands **dismissed**.

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

15.01.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No