

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****107****FAO-4156-2019 (O&M)**
Date of decision: 27.01.2026**Vikas****...Appellant(s)****Vs.****Deepak and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**Present:- Mr. Vishal Yadav, Advocate
for the appellant.

NIDHI GUPTA, J.**CM-13528-CII-2019**

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 CPC is for condonation of delay of 15 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 15 days in filing the appeal is condoned.

FAO-4156-2019(O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.70,000/- awarded by the learned Motor Accident Claims Tribunal, Panipat (for short "the learned Tribunal") vide Award dated 17.01.2019 passed in MACT Case No. 172 dated 11.08.2017 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 10.02.2017 due to the rash and negligent driving of a Motorcycle bearing registration No. HR-06AG-1502 (hereinafter referred to as “the offending vehicle”) being driven by respondent No.1; and owned by respondent No.2; The above said compensation was awarded along with interest @ 7.5% per annum. Both the respondents were jointly and severally held liable to pay the amount of compensation as Insurance Company of the offending vehicle was not disclosed by respondents No.1 and 2.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that nothing has been awarded to the appellant for pain and suffering. Nothing has been given towards attendant charges and special diet. Even nothing has been awarded towards loss of earning. Interest is given on the lower side. It is accordingly prayed that the present Appeal be allowed; and impugned 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. I find no merit in the submissions made on behalf of the appellant.

5. It was the pleaded case of the appellant before the learned Tribunal that at the time of accident, he was a student of B.A. 3rd year. It was further pleaded that in the accident in question, appellant had suffered fracture of right leg and received multiple grievous injuries on



other parts of his body. As per the medical record, Appellant had remained admitted in hospital at Panipat from 10.02.2017 upto 21.02.2017; whereafter he was admitted in AIIMS, Delhi till 28.02.2017. Appellant was again admitted in AIIMS hospital on 21.03.2017 and remained indoor patient till 15.04.2017 as he was still under treatment. In support of his case, appellant had produced documentary evidence in the form of MLR Ex.P1, Discharge Summary Ex.P2 and Ex.P3; and medical bills/receipts EX.P4 to Ex.P21 for an amount of Rs.66,353/-. However, admittedly, in the accident in question, appellant had not suffered any permanent disability as a result of which, there would be any impediment for the appellant to pursue his studies, or future life. This fact has not been denied by learned counsel for the appellant, who has been unable to show any evidence that appellant is facing any difficulty in discharge of his functions or duties. Accordingly, Id. Tribunal had awarded consolidated amount of Rs.70,000/- as compensation to the appellant.

6. Thus, 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**' (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 case of ‘General Manager, KSRTC Vs. Susamma Thomas and others’ (1994) 2 SCC 176, the Hon’ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

7. Nothing to the contrary, has been shown by learned counsel for the appellant.

8. Keeping in view the above factual and legal position, no ground is made out to interfere in the impugned Award. The present Appeal is accordingly **dismissed**.

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

27.01.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

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