

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****125****FAO-4844-2024(O&M)****Date of decision: 17.03.2026****Kaptan****...Appellant(s)****Vs.****Sanjay & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Dhananjay Singh, Advocate
Mr. Parveen, Advocate
for the appellant.

*********NIDHI GUPTA, J.****CM-18135-CII-2024**

This is an application under Section 151 CPC for condonation of delay of 101 days in re-filing the appeal.

After going through the contents of the application, which is supported by affidavit of learned counsel for the applicant/appellant, the same is allowed subject to all just exceptions and delay of 101 days in re-filing the present appeal is condoned.

CM-17378-CII-2025

This is an application under Order 1 Rule 10 CPC read with Section 151 of the Constitution of India for impleading the applicant as appellant No.2 in Memo of Parties.



There is no cogent reason mentioned in the application to allow the same. Present application accordingly stands dismissed.

MAIN CASE

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.3,28,500/- awarded by the Motor Accident Claims Tribunal, Jind (hereinafter 'the learned Tribunal') vide Award dated 09.02.2024 passed in MACP/302 dated 23.11.2021 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 appellant had suffered injuries in a motor vehicular accident that took place on 12.08.2021 due to the rash and negligent driving of Ritz Car bearing registration No.HR-12Z-9613 (hereinafter "the offending vehicle") 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 @ 9% per annum. Respondents No.1, 2 and 3 were held jointly and severally liable for payment of compensation.

3. Ld. counsel for the appellant seeks enhancement of compensation by submitting that in the accident in question, the appellant had suffered 18% permanent disability as is evident from the medical evidence on record. The appellant had remained hospitalized from 12.08.2021 till 20.08.2021. Yet the learned Tribunal has awarded nothing



towards permanent disability; and meagre amount of Rs.1,25,000/- has been awarded towards pain and suffering. Income of the appellant has been assessed on the lower side as only Rs.10,000/- per month while the appellant had duly proved that he was working as a mason and earning Rs.30,000/- per month. Even nothing has been granted on account of future prospects. Learned Tribunal has awarded nothing towards loss of expectation of life. It is accordingly prayed that the present appeal be allowed and impugned Award be modified to the extent of granting compensation of Rs.40 lakh along with interest of 18% from the date of occurrence along with cost of appeal.

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 in the accident in question, the appellant had suffered *"closed fracture intertrochanteric femur on left side with closed fracture radius on right side and at the time of admission, patient was having severe pain on left lower leg closed right forearm, swelling or tenderness, deformity of knee closed elbow, inability to put weight on left leg, limited range of motion and he was facing difficulty in standing and walking"*. As a result of the above injuries, the appellant was operated upon; and thereafter, discharged from the Hospital on 20.08.2021. Thus, it was proved that the appellant had suffered grievous injuries in the



accident in question. Learned Tribunal had accordingly awarded a hefty amount of Rs.1,25,000/- on account of pain and suffering. I find the said amount to be adequate in the facts and circumstances of the case.

6. The appellant has further stated that he has suffered 18% permanent disability and has also produced a Disability Certificate (Ex.P96). However, no doctor has been examined to prove the said disability/ Certificate; and to show whether the said disability is “*progressive, non-progressive or likely to improve or not likely to improve*”. Thus, the Tribunal had correctly not awarded anything towards permanent disability.

7. Further, the appellant had produced medical bills (Ex.P11 to Ex.P27) for a total amount of Rs.1,23,418/-; and had examined PW3 Ravinder, OTA/Record Keeper, Goel Orthopedic Centre, Jind to prove the same. To prove hospital and pharmacy bills (Ex.P40 to Ex.P57), the appellant had examined PW4 Naveen, MRD, Metro Hospital, Jind; and to prove ambulance bills (Ex.P81 to Ex.P94), the appellant had examined PW6 Rajesh Kumar. The said amount was duly reimbursed to the appellant. Over and above the same, the learned Tribunal has also awarded an amount of Rs.50,000/- towards special diet and transportation etc.

8. The contention of the appellant that prior to the accident he was working as a mason and earning Rs.30,000/- per month remained unsubstantiated. However, keeping in view the nature of the injuries and the treatment record, the Tribunal had awarded an amount of Rs.30,000/-



towards loss of income for a period of three months, as per the minimum wages at the relevant time; thereby granting total compensation of Rs.3,28,418/- rounded off to Rs.3,28,500/- in the following manner:-

Head	amount
Pain and suffering	Rs.1,25,000/-
Treatment expenses	Rs.1,23,418/-
Special diet and transportation	Rs.50,000/-
Loss of income during treatment	Rs.30,000/-
Total	Rs.3,28,418/- (rounded off to Rs.3,28,500/-)

9. From the above, it is clear that in the facts and circumstances of the case, 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.

10. Learned counsel for the appellant is unable to dispute or controvert the aforesaid facts and findings.

11. In view of the above, present appeal stands **dismissed**.

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

17.03.2026

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No