



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-4589-2019 (O&M)
Date of decision: 10.02.2026

Ashwani Kumar

...Appellant(s)

Vs.

Ram Singh Gurjar and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Randeep Singh Dhull, Advocate for the appellant.

Mr. Pavinder Singh Bedi, Advocate
for respondent No.3-Insurance Co.

NIDHI GUPTA, J.

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.85,505/- awarded by the learned Motor Accident Claims Tribunal, Gurugram (for short "the learned Tribunal") vide Award dated 06.12.2018 passed in MACT Case No. 50 dated 13.07.2017 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 02.06.2015 at about 05:00 a.m. due to the rash and negligent driving of a Truck bearing registration No. RJ-04-GF-3837 (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 @ 7% per annum. All the respondents were jointly and severally held liable to pay the amount of compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that learned Tribunal has erred in awarding meager compensation of Rs.85,505/- as it has failed to appreciate that in the accident in question, both the legs of the appellant were amputated. Resultantly, appellant had suffered 50% permanent disability. However, learned Tribunal has failed to award adequate amount keeping in view the disability and handicapped of the appellant. Learned Tribunal has also ignored that now the appellant has to keep an attendant for the remaining part of his life. Prior to the accident, appellant was working as a Conductor in M/s. Central Transport Company, New Delhi and was drawing salary of Rs.6,000/- p.m. However due to amputation of his both legs, appellant is not able to do work. Yet, nothing has been awarded by way of future income; whereas at least Rs.10 lacs ought to have been awarded. At the time of accident, appellant was only 26 years old. Even this aspect of the matter has been ignored by the learned Tribunal. It is accordingly prayed that the present Appeal be allowed; and the compensation be enhanced in above terms.

4. Mr. Pavinder Singh Bedi, Advocate appears and files his Vakalatnama on behalf of the respondent No.3-Insurance Company in Court today, which is taken on record. 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.

5. 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.

6. The accident in question had taken place on 02.06.2015. The appellant had placed on record medical bills Ex.P1 to Ex.P74 for an amount of Rs.68,505/- which was duly reimbursed by the learned Tribunal. Appellant had also brought on record as MLR Ex.P75 and a coloured photocopy of the Disability Certificate as Ex.P76. However, appellant had failed to produce the original Disability Certificate; and had also failed to examine any Doctor or Medical Officer of the Medical Board which had assessed disability of the appellant. As regards the disability of the appellant, the same cannot be given any weightage to for the reason that the appellant had produced only photocopy of the Disability Certificate. Furthermore, as per the record, the appellant was hospitalized from 02.06.2015 till 16.07.2015, on which date, he was discharged. As per the record, till date of discharge, there is no mention of any amputation. Even as per the MLR Ex.P75, there is no mention of any amputation. Thereafter, appellant was readmitted on 15.02.2016. Appellant has failed to bring on record any document to show that the amputation subsequently suffered by the appellant had any connection with the accident dated 02.06.2015. Keeping in view the above factors, learned Tribunal has awarded compensation in the following manner:-



Sr. No.	Heads of Claim	Amount
1.	Hospitalization, pain & suffering, fracture, surgery	Rs.10,000/-
2.	Special diet, pain and transportation charges	Rs.5,000/-
3.	Medicines Charges	Rs.68,505/-
	Total	Rs.83,505/-

7. Accordingly, keeping in view the above facts which have not been disputed by learned counsel for the appellant, I find no error in the compensation awarded by the learned Tribunal. The present Appeal stands **dismissed.**

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

10.02.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

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