



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 11.02.2026

FAO-4709-2008(O&M)

Sandeep Banerjee

...Appellant(s)

Vs.

Naveen Kumar & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- None for the appellant.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for respondent No.3/Insurance Company.

NIDHI GUPTA, J.

Present appeal has been filed by injured-claimant seeking enhancement of compensation of Rs.20,000/- awarded by the Motor Accident Claims Tribunal, Ambala (hereinafter 'the learned Tribunal') vide Award dated 24.07.2008 passed in MACP Case No.62 dated 31.07.2007 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 26.05.2007 due to the rash and negligent



driving of TATA 407 bearing registration No.HR-640-304 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The compensation has been awarded along with interest @ 7.5% per annum. Respondents No.1 to 3 were held jointly and severally liable to pay the compensation amount.

3. At the very outset, it may be pointed out that present is an appeal of the year 2008. Order sheets shows that notice in the present case was issued to respondent No.3 vide order dated 26.02.2009; whereafter the matter has been adjourned repeatedly either at request of or due to non-appearance of learned counsel for the appellant. In the meantime, the case file was burnt in the High Court fire. Accordingly, vide order dated 05.02.2025, learned counsel for the parties had been directed to supply complete paper book and annexed documents. As they failed to do so, record was called for from the learned Tribunal. Even on the last date of hearing i.e. 18.08.2025, none had appeared on behalf of the appellant. The present being appeal of such old vintage, the same is being heard and decided in the absence of learned counsel for the appellant.

4. Learned counsel for the respondent No.3/Insurance Company has controverted the claims made by the appellant in the Claim Petition and has pointed out that in the present Grounds of Appeal, the appellant has merely averred that *“he has produced voluminous record of his treatment for the injuries suffered in the accident but the Tribunal ignored*



the same while passing the impugned order.” It is submitted that however, not even a smidgen of evidence has been led by the appellant to show what injuries had been suffered by him. Even no permanent disability has been suffered. It is accordingly prayed that the impugned Award suffers from no error and the present appeal deserves to be dismissed.

5. No other argument is made on behalf of the respondent No.3.

I have heard learned counsel and perused the case file in detail.

6. A perusal of Grounds of Appeal shows that the only ground on which the appellant has sought compensation of Rs.10 lakh is by merely stating that *“the appellant was a transporter and earning Rs.6,000/- per month though he has passed his graduation from the Kurukshetra University. The appellant has spent more than Rs.1.00 lac upon his treatment, but the Tribunal erred in awarding a very meagre amount of Rs.20,000/- only.”*

7. It has to be noted that neither in the record nor in the Claim Petition, any description of the injuries purportedly suffered by the appellant in the accident in question, has been given. Only a general and vague averment has been made in Column 11 of the Claim Petition to the effect that *“the claimant sustained servious injury on his head and injuries on whole parts of the body”*. In Column 22, the appellant has further averred that he has become permanently disabled. In Column 24 also, the claimant has averred that *“That the claimant admitted in Monga Hospital,*



Ambala Cantt for sufficient period and the doctor treated the claimant, the claimant has spent more than Rs.One Lacs for his treatment and treatment is still going on. The claimant is a transporter as profession and earning a sum of Rs.6,000/- per month and whole family members of the claimant are fully depend upon the income of the claimant. That due the injuries in the said accident the claimant has become permanent disabled person and shall have to lead a shameful life throughout his life and he shall not be in a position, to do his daily work in a proper manner. That the loss caused to the claimant cannot be assessed in money. However for purpose of claim the claimant claims a sum of Rs.10 Lacs as compensation on account of injuries sustained and mental pains and agony suffered by the claimant in the said motor accident, along with benefit under section 140 of M.V. Act along with interest @ 18% p.a...”.

8. However, a perusal of the Disability Certificate (Ex.P-22 - at page 95 of the LCR), shows that it is recorded therein that there is “no injury to limb” “No clinical evidence of any significant physical disability.” Moreover, the Disability Certificate (Ex.P-22) dated 09.01.2008 does not inspire confidence of this Court as the same appears to have been signed by the appellant himself. Even no other credible and reliable medical record/evidence has been produced and proved by the appellant in accordance with law to substantiate his said claim. Even name of treating doctor is not mentioned.



9. It has further been averred in the Claim Petition that the appellant has spent Rs.1 lakh on his treatment. However, no medical bills have been proved. Relevant findings of the learned Tribunal are in Para 14 of the impugned Award, which reads as follows:-

“14. In order to prove this issue, PW1 Sandeep Banerjee has deposed that after the accident, he was shifted to Monga Hospital, Ambala Cantt. He might have spent more than Rs.One lac on his treatment. During cross-examination, he has stated that he was not maintaining any separate accounts regarding the expenses Incurred by him and he was unable to tell separate details of the medical expenses to the tune of Rs.One lac. Mark-P1 and P2 are the CT scan reports (head), mark-P3 is the OPD slip, mark-P4 is the out-patient ticket, mark-P6 is the case summary, mark-P7 and P8 are OPD slips, mark-pg is the CT scan report(head), mark-P10 is the school certificate, mark-P11 to P21 are medical bills, mark-P22 is the disability certificate and mark-P23 is the photocopy of driving licence in the name of Sandeep Banerjee i.e. claimant. However, neither any doctor, who treated the claimant, nor the Chemist, who has issued the medicine bills, was examined by the claimant. Hence, the documents could not have been exhibited. However, this Court can take judicial notice of the fact that Some reasonable amount might have been incurred by the claimant on his treatment.”

(Emphasis added)

10. FIR No.180 (Ex.P1 – at page 101 of the LCR) has been registered on 30.05.2007 i.e. four days after the accident under Sections



279 and 337 IPC at Police Station Ambala Cantt. No explanation is forthcoming for the delay in registering the FIR. Moreover, the accused stands acquitted in the said criminal matter vide judgment dated 12.12.2013 passed by learned Judicial Magistrate, 1st Class.

11. In view of the above, present appeal stands **dismissed**.
12. Pending application(s) if any also stand(s) disposed of.

11.02.2026
Sunena

(Nidhi Gupta)
Judge

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