

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****126****FAO-3756-2023 (O&M)****Date of decision: 09.02.2026****Munni****...Appellant(s)****Vs.****Rajesh and another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. R.A.Sheoran, Advocate for the appellant.

*********NIDHI GUPTA, J.**

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.42,618/- awarded by the learned Motor Accident Claims Tribunal, Charkhi-Dadri (for short "the learned Tribunal") vide Award dated 22.03.2023 passed in MACT Petition No. 125 dated 31.05.2016 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 04.12.2015 at about 04:15 p.m. due to the rash and negligent driving of an Alto Car bearing registration No. HR-19D-0605 (hereinafter referred to as "the offending vehicle") being driven and owned by respondent No.1; and insured by respondent No.2. The above said compensation was awarded along with



interest @ 9% 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 had awarded meager amount of compensation by ignoring that in the accident in question, appellant had suffered multiple injuries including fracture of leg. In this regard, learned Tribunal has ignored the evidence on record and awarded less amount of compensation for medicines and hospital bills. Admittedly, appellant had remained hospitalized for more than 6 days, but the learned Tribunal had awarded very less amount of compensation under the head of special diet and pain and sufferings and the same is liable to be enhanced to the tune of Rs.10 lacs as per the evidence on record. Learned Tribunal had not applied multiplier and future prospects to the loss of income. Nothing has been awarded for future medical expenses and treatment. Learned Tribunal ought to have awarded Rs.50 lacs under the said heads. Nothing has been awarded for loss of income during treatment. Interest @ 9% per annum is on the lower side and it should be 18%. It is accordingly prayed that the present Appeal be allowed; and the compensation be enhanced in above terms.

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 own pleaded case of the appellant that at the time of accident, appellant was 45 years old and used to do household work and



was also making equipment of agriculture and was earning Rs.30,000/- p.m. The appellant has further pleaded that in the accident in question, she has suffered severe & multiple injuries over her body including fracture of left fibula, B/L knee, leg ankle and right full skull. On account of left leg fracture, she is unable to sit & walk swiftly and has become permanently disabled and has to get assistance of an attendant for performing her daily pursuits. Now, she has become permanently disabled, and her future income has been decreased to a great extent.

6. However, despite the above far-fetched claims made by the appellant, no medical evidence was brought on record to show that appellant had suffered any permanent disability. It has been admitted by learned counsel for the appellant that neither Disability Certificate, nor any Medical Officer who had declared the appellant to be permanently disabled, was produced by the appellant. Appellant was unable to prove either her injuries; or even her alleged income or avocation. Appellant had also failed to show any documentary proof regarding alleged loss of income. Appellant had only brought on record Follow-Up and Discharge Card Ex.P1 issued by PGIMS, Rohtak, as per which appellant had remained hospitalized for 6 days from 04.12.2015 to 09.12.2015. Ld. Tribunal had accordingly awarded compensation in the following manner:-

Sr. No.	Particular of Heads	Amount
1.	Bills for purchase of medicines and hospital bills etc. (Mark-A3 to Mark-A7)	Rs.5,618/-
2.	06-Days Hospitalization / Transportation and Attendant	Rs.15,000/-

	charges	
3.	Special diet, pain and sufferings and all other heads	Rs.22,000/-
	Total amount of Compensation	Rs.42,618/-

7.

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 Vs. Jasbir Kaur” Law Finder Doc ID # 64043* and *“Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty and another” (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.
8.

Accordingly, I find no error in the compensation awarded by the learned Tribunal. The present Appeal stands **dismissed**.
9.

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

09.02.2026

Divyanshi

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No