



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**IOIN-1-FAO-833-2010 in/and
FAO-833-2010 (O&M)
Date of decision: 30.03.2026**

Lakhi Ram

...Appellant(s)

Vs.

Rajesh and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. J.P.Sharma, Advocate for the appellant.

Mr. Nikhil Sehrawat, Advocate for
Ms. Veena Ashwani Talwar, Advocate
for respondent No.3-Insurance Co.

NIDHI GUPTA, J.

IOIN-1-FAO-833-2010

Today, only the IOIN was listed as learned counsel for the appellant has failed to get the latest instructions as to whether the appellant is alive or not.

2. However, at request of learned counsel for the parties, the main case is taken up for hearing today itself.

3. Keeping in view the above, IOIN stands disposed of.

FAO-833-2010 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.21,097/- awarded by the learned Motor Accident Claims Tribunal, Karnal (for short "the learned



Tribunal”) vide Award dated 10.09.2009 passed in MACT Case No. 72 dated 20.08.2009 filed under Sections 166 and 140 of the Motor Vehicles Act, 1988.

2. Brief facts of the case are that the learned 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 03.10.2006 due to the rash and negligent driving of a Motorcycle bearing registration No. HR-05P-9224 (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 @ 6% per annum. Respondents No. 1 and 2 were jointly and severally held liable to pay the amount of compensation on account of the fact that respondent No.1 was not holding valid and effective driving license at the time of accident.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that in the accident in question, appellant has suffered 12% permanent disability. It is submitted that in this situation, a very meager and frugal compensation has been awarded to the appellant which deserves to be enhanced.

4. It is further submitted that very meager amount of Rs.5,000/- has been awarded towards pain and suffering, which is less. Even Rs.2,000/- awarded towards better diet and transportation is on the lower side. Even



nothing has been awarded towards loss of income and future effects on the earning of the appellant due to disability.

5. It is accordingly prayed that the present Appeal be allowed; and the compensation be enhanced.

6. Ld. counsel for respondent No.3-Insurance Company 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.

7. No other argument is raised on behalf of the parties. 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.

8. A perusal of the record of the case shows that it had been pleaded by the appellant that on the date of accident, when the appellant was going on his bicycle, he had been hit by the offending motorcycle and due to the impact of the accident, the claimant fell down on the ground alongwith his bicycle and sustained serious multiple and grievous injuries on various parts of his body. From the evidence of PW1 Dr. Vinod Kumar, Orthopedic Surgeon, General Hospital, Karnal, it was proved that in the accident in question appellant had sustained *“fracture of the right zygomatic arch and fracture of the right clavicle along with inability to chewing and inability to lift weight win the right upper limb.”* PW1 had further deposed that as per the Medical Board constituted to examine the appellant, the appellant had suffered 12% disability, which was 6% only qua the whole



body. The Disability Certificate was placed on record by the appellant as Mark A. Accordingly, learned Tribunal had awarded Rs.12,000/- i.e. Rs.2,000/- per percent disability as compensation towards the disability suffered by the appellant. I find no error in the amount awarded by the Tribunal towards disability. There is nothing on record to indicate that the said disability is permanent in nature.

9. Further, the age of the appellant was determined to be 50 years at the time of accident as per the pleadings. Although appellant had pleaded that he had spent more than Rs.50,000/- on his treatment, however, he had produced medical bills only for an amount of Rs.2,097/-, which is duly reimbursed by the learned Tribunal. Learned Tribunal had further awarded Rs.5,000/- towards pain and agony; and Rs.2,000/- towards special diet; thereby granting total compensation of Rs. 21,097/-. Appellant had further pleaded that prior to the accident he was working as an agriculturist by taking 12 acres of land on lease and was earning Rs.20,000/- p.m. However, no evidence to this effect was brought on record by the appellant. Except for the bald statement made by the appellant, no evidence was brought on record to prove either the said avocation or income. Thus, appellant has been unable to prove his alleged income and avocation. Accordingly, learned Tribunal has awarded the compensation in the following manner:-

Sr. No.	Heads	Calculation (in Rs.)
(i)	Medical bills	Rs.2,097/-
(ii)	Rs.2,000/- per percent disability	Rs.12,000/- (Rs.2,000 x 6)



(iii)	Pain and agony	Rs.5,000/-
(iv)	Better diet and transportation expenses	Rs.2,000/-
	Total compensation awarded	Rs.21,097/-

10. Accordingly, I find no ground is made out for enhancement of the compensation awarded by the learned Tribunal. The present Appeal stands **dismissed**.

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

30.03.2026

Divyanshi

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No