

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****118-2****FAO-3141-2018 (O&M)****Date of decision: 09.02.2026****Jasveer Singh @ Bagga Singh****...Appellant(s)****Vs.****Fumman Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Dheeraj Narula, Advocate for the appellant.

Mr. Vinod Gupta, Advocate
for respondent No.4-Insurance Co.

NIDHI GUPTA, J.

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.95,500/- awarded by the learned Motor Accident Claims Tribunal, Sirsa (for short "the learned Tribunal") vide Award dated 31.10.2017 passed in MACP Case No. 13 dated 13.01.2016 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 15.08.2015 due to the rash and negligent driving of a Maruti Zen bearing registration No. DL-6CH-2134(hereinafter referred to as "the offending vehicle") being driven by respondent No.1; owned by respondent No.2 and 3; and insured by respondent No.4. 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 accepted the Claim Petition partly and awarded a meagre sum of Rs.95,500/- as compensation. It is submitted that in the accident in question, appellant had received serious and grievous injuries. The appellant had also suffered fractures and was operated upon for his left leg and nail was inserted. Appellant had incurred cost of Rs.1,50,000/- on his treatment and huge amount is required for his future treatment. It is further submitted by learned counsel for the appellant that the appellant had duly examined Dr. Y.K. Chaudhary as PW4 who stated that appellant was admitted in his hospital on 15.08.2015 and he had fractures of both bones on left leg. The appellant was operated upon 16.08.2015 and interlocking nail left tibia was done on 16.08.2015 and he was discharged on 21.08.2015. Appellant tendered into evidence medical bills amounting to Rs.43,117/-. It is submitted that accordingly, the compensation awarded by the Tribunal is on the lower side.

4. Learned counsel for the appellant further submits that the appellant had also examined Dr. Rishad Bishnoi as PW2 who proved the permanent disability of the appellant to the extent of 6% on account of pain due to fracture of left tibia. However, Ld. Tribunal has considered the disability to be temporary and awarded Rs. 12,000/- towards disability while discarding the evidence of PW2 who stated that the disability is of permanent nature.



5. Learned counsel for the appellant further submits that as regards avocation, appellant stated that he was working as a driver to ply car, van, jeep on calling and was earning Rs.700/- per day. However, Ld. MACT has allowed Rs.10,000/- only towards loss of income on the premise that as the appellant has not suffered any permanent disability and thus, it can not be held that he is unable to do any work due to disability. Ld. MACT has lost sight of the fact that he was operated upon for his left leg and even nail is inserted and thus, it can not be expected by any stretch of imagination that he will ply the vehicle as with the aid of left leg, any vehicle can be plied. Thus, loss of earnings should have been awarded properly.

6. It is further submitted that Ld. MACT has also failed to appreciate that appellant was only 26 years of age at the time of accident and one more operation is required to remove the nail and thus, the appellant should have been granted reasonable amount towards future expenses to be incurred towards the treatment, operation etc.

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

8. *Per contra*, learned counsel for respondent No.4-Insurance Company 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.

9. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the case file in great detail. I find no



merit in the submissions advanced on behalf of learned counsel for the appellant.

10. As per the Disability Certificate Ex.P1 proved by PW2 Dr. Rishad Bishnoi, appellant had suffered permanent disability of 6%. It is the contention of the appellant that the said disability has been wrongly taken to be temporary by the learned Tribunal. However, learned Tribunal has categorically recorded that PW2 in his cross-examination has stated that the said disability can be reduced in time after union of fracture and nail is removed surgically. Accordingly, learned Tribunal had awarded Rs.12,000/- (i.e. Rs.2,000/- per percent of the disability). A perusal of the record reveals that PW2 has stated in his cross-examination that disability mentioned in the disability certificate “..... is for particular limb. Disability can be reduced if after union of fracture and nail is removed surgically.” On a direct Court query, learned counsel for the appellant has been unable to confirm as to whether appellant has undergone any further surgery/treatment or not; and what is the current state of disability of the appellant. Thus, appellant is not entitled to any future medical expenses either.

11. It was further pleaded case of the appellant that prior to the accident, he was working as a private driver and earning Rs.700/- per day; and that he is unable to follow his profession as he has become permanently disabled. However, appellant had failed to produce any evidence on record to substantiate his said claim. It has also come on record that appellant had remained hospitalized from 15.08.2015 to 21.08.2015. Accordingly, Tribunal had awarded a sum of Rs.10,000/- towards loss of earning. Appellant had

further produced medical bills Ex.P17 to Ex.P46 for total amount of Rs.43,117/-. Learned Tribunal had accordingly awarded Rs.43,500/- towards medical expenses; thereby granting total compensation of Rs.95,500/-.

Accordingly, Id. Tribunal awarded compensation in the following manner:-

Sr. No.	Particular of Heads	Amount
1.	Medical bills	Rs.43,500/-
2.	Disability	Rs.12,000/-
3.	Loss of earnings	Rs.10,000/-
4.	Pain and sufferings	Rs.20,000/-
	Conveyance and special diet	Rs.10,000/-
	Total	Rs.95,500/-

12. 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.

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

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

09.02.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

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