



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-330-2022 (O&M)
Date of decision: 07.03.2026

Rashid

...Appellant(s)

Vs.

Sarjeet Yadav and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Roshan Lal Saini, Advocate
for Mr. Tushar Gupta, Advocate
for the appellant.

Mr. Nitin Gupta, Advocate
for the respondent No.3-Insurance Co.

NIDHI GUPTA, J.

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.5,00,500/- awarded by the learned Motor Accident Claims Tribunal, Nuh (for short "the learned Tribunal") vide Award dated 05.08.2021 passed in MACP Case No. 94 dated 20.02.2018 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 24.12.2017 due to the rash and negligent driving of a Trola bearing registration No. RJ-32-GB-7927 (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 held jointly and severally liable to pay the compensation with a direction to respondent No.3-Insurance Company to indemnify respondent No.2.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that the appellant had proved on record that he was working as a Diesel Mechanic and getting salary of Rs.30,000/- p.m. Yet, learned Tribunal has taken income of the appellant on the lower side as only Rs.7,500/- p.m. Moreover, medical bills submitted by the appellant, have not been properly considered. It is accordingly prayed that the present appeal be allowed; and compensation be enhanced in above terms.

4. *Per contra*, learned 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.

5. 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 Id. counsel for the appellant.

6. The first contention of the appellant that his income has not been correctly assessed. No doubt, appellant had examined PW3 Mukesh Saini, owner of the shop where the appellant is alleged to have been working as a Diesel Mechanic. PW3 has deposed that appellant had been working at his shop Saini Diesel Works Tauru for the past 10 years; and



that he had been paying Rs.30,000/- p.m. to the appellant. However, except for the oral and bald statement of PW3, no documentary evidence whatsoever was produced either by PW3 or the appellant to substantiate that appellant had been working as Diesel Mechanic for the past 10 years at Saini Diesel Works Tauru at a salary of Rs.30,000/- p.m. In these circumstances, Tribunal had assessed income of the appellant as Rs.7,500/- p.m. as an ordinary labourer. I find no error in the same.

7. A perusal of the record of the case further shows that the nature of injuries suffered by the appellant has nowhere been specified. Even on a Court query, learned counsel for the appellant is unable to apprise in respect of what injuries, and what extent of injuries were sustained by the appellant. The appellant has not even examined any doctor to prove the injuries alleged to have been suffered by him. In any event, it is admitted fact on record that the appellant has not suffered any permanent disability. However, the appellant has produced discharge summary Ex.P1 as per which the appellant had remained hospitalized from 24.12.2017 to 08.01.2018; MLR Ex.P2; final bill Ex.P3 for an amount of Rs.4,45,000/-; and medical bills Ex.P4 to Ex.P37, which are included in the final bill Ex.P3. The said documents were proved by the appellant by examining PW2 S.S. Malik, Record-Keeper, QRG Hospital, Faridabad. Accordingly, learned Tribunal had awarded amount of Rs.4,45,000/- towards treatment expenses as per the final bill Ex.P3.

8. Learned Tribunal has further assumed that due to the injuries, the appellant “..... must have remained out of for a period of about one

month, for proper healing of injuries, and he is awarded a sum of Rs.7,500/- towards loss of earnings of a period of one month.” It is my view that there is nothing whatsoever on record to indicate that the appellant remained out of job for one whole month; and therefore, the said amount is on the higher side and based on clear assumption. Furthermore, admittedly, appellant has not suffered any permanent disability, and no Disability Certificate was produced by the appellant. As such, learned Tribunal had correctly not awarded any compensation towards future loss of earnings, future amenities of life, and future medical expenses. Learned Tribunal has further awarded an amount of Rs.8,000/- towards conveyance expenses; Rs.15,000/- towards special diet, attendant charges et cetera and granted total compensation of Rs.5,00,500/- in the following manner: -

Sr. No.	Heads	Amount
1.	Treatment expenses	Rs.4,45,000/-
2.	Conveyance charges	Rs.8,000/-
3.	Special diet and attendant charges	Rs.15,000/-
4.	Loss of earnings	Rs.7,500/-
5.	Future loss and earnings	Nil
6.	Pain and suffering	Rs.25,000/-
7.	Future amenities of life	Nil
8.	Future medical expenses	Nil
	Total	Rs.5,00,500/-

9. Again, nothing has been brought to the notice of this Court that any bills were submitted by the appellant to show that he had employed services of an Attendant. Accordingly, in the facts and circumstances of the case, I find that no ground is made out for



enhancement of the compensation awarded by the learned Tribunal. The present Appeal stands **dismissed**.

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

07.03.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

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