

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

203

FAO-7702-2017 (O&M)
Date of decision: 13.03.2026

Kapil Singla

...Appellant(s)

Vs.

Deepali Gupta and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Naman Jain, Advocate with
Mr. Divyam, Advocate for the appellant.

Mr. Punit Jain, Advocate
for the respondent-Insurance Co.

NIDHI GUPTA, J.

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.4,40,000/- awarded by the learned Motor Accident Claims Tribunal, Sirsa (for short "the learned Tribunal") vide Award dated 09.02.2017 passed in MACP Case No. 84 dated 17.04.2015 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 29.11.2014 due to the rash and negligent driving of a Car bearing registration No. CH-01-AS0555 (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 @ 9%



per annum. All the respondents were jointly and severally held liable to pay the compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that learned Tribunal has failed to properly appreciate the permanent disability suffered by the appellant. In the accident in question, appellant has suffered 19% permanent disability as evident from Disability Certificate Ex.PW3/A. Insufficient amount has been awarded towards attendant charges, pain and suffering et cetera. Moreover, at the time of accident, appellant had graduated from class 12 and had been granted admission letter from the Helix Institute. Yet, no future prospects have been considered while assessing the compensation. Medical bills have not been adequately assessed. Nothing has been awarded towards physiotherapy. Compensation awarded under the conventional heads are also on the lower side. Interest should have been awarded @ 12% p.a.

4. It is accordingly prayed that the present Appeal be allowed; and the compensation be enhanced in above terms.

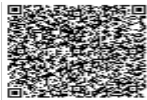
5. Ld. counsel for respondent No.3 submits that the impugned Award suffers from no infirmity as the compensation awarded to the appellant is just and fair. Hence, the present appeal deserves to be dismissed.

6. No other argument is raised on behalf of learned counsel for the parties. I have heard learned counsel and perused the case file in great detail. I find merit in the submissions advanced on behalf of the appellant.



7. Perusal of the record of the case shows that it was the pleaded case of the appellant that in the accident in question, appellant had *"Received multiple injuries on his person."* As per the medical evidence on record, appellant has suffered *"Fracture of left proximal tibia"*; as a result of which, in his left knee, appellant has range of motion of zero to 90 degrees. It has been submitted by learned counsel for the appellant that the normal range of motion in a normal person is 140 degrees. Keeping in view the aforesaid facts, total disability of the appellant was assessed to be 19%. Appellant has placed on record Disability Certificate Ex.PW3/A, which is proved from the evidence of PW3 Dr. Rohit Dumra, Medical Officer, General Hospital, Sirsa. PW 3 had deposed that the disability of the appellant was permanent in nature and cannot improve with treatment. Further, it is also to be noted that PW3 has also deposed that the said disability has *"Moderately"* restricted activities of daily life of the appellant.

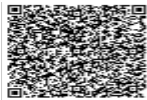
8. Admittedly, at the time of accident, appellant was a student. During arguments, it is his contention that appellant at the time of accident, had graduated from class 12 and had been granted admission letter from the Helix Institute. It has been contended that on account of this reason, notional income of the deceased has been assessed on the lower side as Rs.5,000/- p.m. Although the appellant has made the above said assertion, however, appellant has not been able to show any evidence whatsoever to this effect to this Court from the case file. There is nothing to show that appellant has been offered Letter of Admission. Learned counsel for the appellant has been unable to point out as to what exhibit



was the said Letter of Admission offered by Helix Institute; other details thereof, such as date of issue, et cetera. In this circumstance, I find no error in the notional income as assessed by learned Tribunal as Rs.5,000/- p.m. Accordingly, keeping in view permanent disability of the appellant, learned Tribunal had calculated loss of future earning to be Rs.11,400/- per year (Rs.5,000/- x 19% = Rs.950/- per month). As the age of the appellant was determined to be 20 years, multiplier of 18 was applied; and loss of future income was accordingly assessed as Rs.2,05,200/- (Rs.11,400 x 18). I find no error in the same.

9. Although appellant had produced medical bills, it has been noticed by learned Tribunal in para 21 of the impugned Award that “No evidence what-so-ever has been produced by the petitioner to prove these bills. Therefore, the original bills produced by the petitioner are taken into consideration keeping in view the proved simple, grievous injuries and 19% disability sustained by him in the accident.” Even before this Court, learned counsel is unable to controvert the above said observation/finding of the learned Tribunal. Accordingly, learned Tribunal has awarded lump-sum of Rs.65,000/- towards medical bills. I find no error in the same. Learned Tribunal had further awarded compensation in the following manner:-

Sr. No.	Heads	Amount
1.	Loss of future income on account of 19% disability	Rs.2,05,200/-
2.	Medical expenses	Rs.65,000/-
3.	Attendant charges and Special Diet	Rs.10,000/-
4.	Transportation charges	Rs.10,000/-
5.	Pain and suffering	Rs.50,000/-

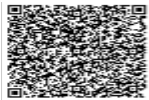


6.	Loss of marital prospects	Rs.1,00,000/-
	Total	Rs.4,40,000/-

10. Contention of the appellant that insufficient amount has been granted towards attendant charges remains unsubstantiated as there is no evidence whatsoever to show that services of the attendant were taken by the appellant. No evidence has been produced that the appellant requires future medical treatment. Even no bills have been produced by the appellant to show that appellant has incurred any future medical expenses. There is nothing on record to show that appellant had undergone any physiotherapy.

11. As regards the argument of the appellant that nothing has been awarded towards future prospects, it is established position in law that where income has been assessed as notional in accidental case, future prospects are liable to be rejected.

12. From the above facts, it is clear that a more than just and fair compensation has been awarded to the appellants. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellants. 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.

13.03.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

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