

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****251****FAO-6612-2018(O&M)****Date of decision: 16.03.2026****Deepak Kumar****...Appellant(s)****Vs.****Manpal Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** None for the appellant.**Mr. V.K. Garg, Advocate
for respondent No.3.***********NIDHI GUPTA, J.**

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.4,20,000/- awarded by the Motor Accident Claims Tribunal, Faridabad (hereinafter 'the learned Tribunal') vide Award dated 16.05.2018 passed in MACP/325 dated 05.11.2016 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act").

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that appellant had suffered injuries in a motor vehicular accident that took place on 01.08.2016 due to the rash and negligent driving of Truck bearing registration No.HR-38T-5885 (hereinafter "the offending vehicle") being driven by respondent No.1, owned by respondent No.2 and insured



by respondent No.3. The abovesaid compensation has been awarded along with interest @ 8% per annum. Respondents No.1, 2 and 3 were held jointly and severally liable for payment of compensation.

3. Present appeal is of the year 2018. Perusal of case file/order sheets shows that none has appeared on behalf of the appellant since the inception of the appeal; except on one date i.e. 20.04.2023. Notice of motion was issued vide order dated 21.11.2019 in the absence of learned counsel for the appellant. Today even in the second round, none has appeared on behalf of the appellant. Clearly, therefore, neither the appellant nor his counsel is seriously interested in pursuing the present appeal. The appeal being of such an old vintage of the year 2018, is being disposed of in the absence of learned counsel for the appellant.

4. A perusal of Grounds of Appeal shows that the appellant has sought enhancement of compensation for an amount of Rs.12 lakh by stating that in the accident in question, the appellant had *"suffered serious and grievous injuries and his right thigh and other body parts including crouch injuries all over his body."* It has been averred that at the time of accident the appellant was only 17 years and 11 months old. It is further stated that *'the accident in question took place solely on account of rash and negligent driving on part of the respondent No.1, who being driver, respondent No.2 being owner and respondent No.3 being insurer of the offending vehicle, are jointly and severally liable to pay.'* Enhancement of compensation is sought only on



the ground that rate of interest should be 18% per annum; that the learned Tribunal has misread, misinterpreted and misconstrued the entire evidence on record, which has occasioned in failure of justice to the appellant and therefore, the Award needs to be modified.

5. Ld. counsel for the respondent No.3 has opposed the prayer made for enhancement of compensation/modification of the Award; and has submitted that the impugned Award suffers from no error; and the present appeal deserves to be dismissed.

6. I have heard learned counsel and perused the case file in detail.

7. A perusal of the record of the case shows that the appellant had filed bills, receipts, cash memos (Ex.P11 to Ex.P161) for a total amount of Rs.2,89,598/- towards medical expenses. Even though the said bills were not proved by the appellant by examining the concerned clerk/cashier, the said amount has been reimbursed to the appellant by the learned Tribunal. In fact, the Bill (Ex.P81) produced by the appellant was for a total amount of Rs.48,720/-; of which only an amount of Rs.7,000/- was shown to be paid; with due payment of Rs.41,720/-. Yet the learned Tribunal has refunded the total amount of Rs.48,720/- despite non-production of the receipt in respect of payment of remaining amount of ₹41,720/- by the appellant; thereby granting total amount of Rs.3 lakh under the head of medical treatment. Learned Tribunal has further awarded an amount of Rs.30,000/- towards attendant charges without there being any evidence that the appellant had



either required or had employed the services of an attendant. Learned Tribunal has further awarded an amount of RS.15,000/- towards conveyance expenses; Rs.6,000/- towards special diet; and Rs.30,000/- towards loss of income by taking notional income of the appellant as Rs.5000/- per month for a period of six months being a student. An amount of Rs.30,000/- has been granted towards permanent disability even despite the fact that no Disability Certificate was produced by the appellant.

8. From the above, it is clear that the appellant has already been granted compensation which was not due to him as per law. Therefore, there is no question of enhancement.

9. It is further to be noted that in respect of the accident in question, an FIR No.491 dated 02.08.2016 was registered under Sections 279, 337 and 338 IPC at Police Station Sarai Khawaja, against respondent no.1/Driver, on the statement made by the appellant. In the said trial, the respondent No.1 has been acquitted by Additional Chief Judicial Magistrate, Faridabad vide judgment dated 18.11.2021, as recorded in Para 11 thereof, as the complainant/appellant did not identify the accused/respondent No.1.

10. In this situation, reference may be made to a judgment of this Court in **“Shri Ram General Insurance Company Limited Vs. Jeeto Devi & Others”** FAO-2231-2014 decided on 03.12.2019, wherein it is held as under:-

*“(6) This Court cannot loose sight of the judgment rendered by this Court in the case of **United India Insurance***



Company Limited versus Kamla Devi and others 2010(53) RCR (Civil) 651, wherein it was specifically held that in case an eye witness gives totally different version before the Court conducting trial in criminal case from the statement made by the said eye witness before the Tribunal, the testimony of such a witness is unworthy of being accepted and the evidence should be simply rejected. In fact, the learned Single Bench came down heavily on such witness and held that the said witness is also liable for perjury.”

11. Thus, in actual fact, the appellant is liable for perjury for having made a totally different statement before the trial Court; and different statement before the Tribunal for procuring the compensation.

12. In view of the above, present appeal stands **dismissed**.

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

16.03.2026

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No