



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

231

Date of decision: 17.02.2026

FAO-7393-2018(O&M)

Arun Kumar

...Appellant(s)

Vs.

Byravesh @ Shivarajaiah & Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mrs. Savita Bhandari, Advocate
for the appellant.

Ms. Anu Garg, Advocate
for respondent No.2.

NIDHI GUPTA, J.

Present appeal has been filed by injured-claimant seeking enhancement of compensation of Rs.10,75,200/- awarded by the Motor Accident Claims Tribunal, Bhiwani (hereinafter 'the learned Tribunal') vide Award dated 23.04.2018 passed in MACP Petition No.17 dated 01.03.2016 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 the appellant had suffered injuries in a motor vehicular accident that took place on 09.07.2013 at about 11 am due to the rash and negligent driving of BMTC Bus bearing registration No.KA-50-F-209



(hereinafter “the offending vehicle”) being driven by respondent No.1; and respondent No.2 is the Superdar of the offending vehicle. The said compensation has been awarded along with interest @ 9% per annum. Respondents were held jointly and severally liable to pay the compensation amount.

3. It is inter alia submitted by learned counsel for the appellant that compensation payable to the appellant is liable to be enhanced as in the accident in question, the appellant has admittedly suffered multiple fractures and other grievous injuries; and had suffered 40% permanent disability. The appellant has lost his right hand, thumb, and index finger forever due to the crushing impact of the bus. The appellant had to undergo amputation of right thumb, and right hand index finger. Thus, the disfigurement of the appellant is permanent, the right hand being his dominating hand. Hence, loss is grave in nature. It is submitted that given the above said facts, the learned Tribunal ought to have assessed functional disability of the appellant as 100% as, for right handed person, by itself it is a loss of 100% grip and appellant being right handed, thus it has direct lifetime impact on his avocation and earning capacities.

4. Ld. Counsel further submits that factually, appellant is a qualified BBA, MBA (Marketing) from a reputed college SIR MVIT College, Bangalore, founded by Sir, Mokshagundam Visvesearaya, recipient of Bharat Ratna in 1955, and his birthday 15 September is celebrated as



Engineers day in India. This institutions ranks in top 20 in India, as on today's date a person of this qualification generally earns a package of 60,000/- to one lakh per month. The appellant has rightfully submitted that as fresher he was offered 22,500/- per month in 2013 which was to enhance by all means to minimum 80,000/- per month by now. And the fact is that as on today he is working in Oriental Insurance Company, getting 50,000/- per month, instead of expected salary of Rs. 80,000/- per month. Thus, Appellant has suffered tremendous loss of income.

5. Ld. Counsel further submits that herein, is a fit case for applying the multiplier. For right handed person, right hand is the dominant hand and on account of his disability, and this obviously being throughout his life and he will be shifted to some other jobs though suitable but lesser in designations and in turn with lesser emoluments and in this case there will always be a limited progression in life of the appellant for rest of his life.

6. It is accordingly prayed that the appellant is entitled to compensation of Rs.1 crore.

7. Per contra, learned counsel for the respondent No.2 opposes the submissions advanced on behalf of the appellant and submits that the impugned Award suffers from no error; and the present appeal deserves to be dismissed.



8. No other argument is made 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.

9. Perusal of record of the case shows that it was the pleaded case of the appellant in the Claim Petition before the learned Tribunal that in the accident in question, the appellant was *“crushed between wall and bus. The petitioner sustained multiple grievous injuries on his hands, chest and other parts of his body.”* As per the Hospital Admission Record (Ex.PW13/A), the appellant was admitted in Mallya Hospital, Bangalore on 09.07.2013 with crush injury to his right hand and right wrist. The appellant had further undergone auto amputation of thumb and index finger of right hand. Thereafter, the appellant was discharged on 11.07.2013. On 12.07.2013, the appellant was admitted at Indraprastha Apollo Hospital, New Delhi. As per evidence of PW3 Dr. Rajesh Kumar Vats, plastic surgery was conducted on the appellant. As per PW10 Dr. Priyanka, Physiotherapist, the appellant also underwent physiotherapy as proved from OPD slips (Ex.P10/1 to Ex.P10/50), for a total amount of Rs.1500/-. The appellant also produced medical bills (Ex.P11 to Ex.P66) for a total amount of Rs.5,84,000/-, which was duly reimbursed. The learned Tribunal had further granted Rs.1 lakh for pain and suffering. The appellant had further proved that he had engaged services of PW2 Naresh son of Ram Kisan and PW3 Vijay Kumar son of Pahlad Rai as attendants who worked



from 17.07.2013 to 16.02.2014. PW2 deposed that he had received an amount of Rs.56,000/- as attendant charges from father of the appellant; whereas PW3 deposed that he had received Rs.63,000/-. Accordingly, the learned Tribunal had awarded Rs.1,19,000/- as attendant charges. As per the Admission Record of the appellant (Ex.PW13/A), the appellant had remained admitted from 09.07.2013 to 11.07.2013 at Mallya Hospital, Bangalore; and during 12.07.2013 to 17.07.2013 at Indrapastha Apollo Hospital, New Delhi. Therefore, the appellant had been hospitalized for a total number of 9 days. Learned Tribunal had awarded Rs.2,000/- per day i.e. total amount of Rs.18,000/- for hospitalisation.

10. Further, the Disability Certificate (Ex.PW8/A) was proved from evidence of PW8 Dr. S.S. Dhankhar. In this regard Id. Tribunal has held that as per the said Disability Certificate, the appellant had suffered “40% disability on account of amputation of right thumb at M.P. Joint and P.I.T. Joint of index finger with well united phalancha left hand with fracture public rami with painful neuroma right hand with dominance and numbness with 10% reaction of the movement at hip joint. He proved the disability certificate Ex. PW8/A. In his cross-examination this witness has deposed that the disability particularly pertains to the limb and not for the whole body. In this way, the petitioner is entitled for the compensation i.e. $40 \times 2000 = 80,000/-$ on account of the disability.”



11. The appellant had further examined PW4 Ashok Kumar, who had testified that the appellant had utilised his services from 17.07.2013 to 25.07.2013 as proved from his Affidavit (Ex.PW5/A); and fare receipts (Ex.PW5/B) for an amount of Rs.33,100/-. Said amount was also duly reimbursed by the learned Tribunal as transportation charges. The appellant had further examined PW9, who had testified through his affidavit (Ex.PW9/A) that he had received an amount of Rs.31,100/- from the appellant as transportation charges. Therefore, total amount of Rs.64,200/- was reimbursed as transportation charges.

12. The appellant has also examined Fruit Juice Vendor PW6 Raj Kumar, who has testified that he supplied fruit juice to the appellant from 26.07.2013 to 05.05.2014 for an amount of Rs.69,500/- as per receipts (Ex.PW6/B to Ex.PW6/E). The appellant had also examined PW12 Manoj, who deposed that he had supplied milk to the appellant from 26.07.2013 to 26.04.2014 for an amount of Rs.20,850/- as proved vide receipt (Ex.PW12/A). Thus, appellant claimed to spend a total of Rs.69,500/- + Rs.20,850/- = Rs.90,350/- on special diet. Yet the learned Tribunal had awarded Rs.50,000/- towards special diet as it was not proved that the entire juice and milk was consumed by the appellant.

13. Further, it was the pleaded case of the appellant that he was MBA and that he had been selected in Just Dial Limited, Bangalore and was suffered a salary of Rs.22,500/-, which was to be enhanced to Rs.40,000/-



+ other allowances. However, the appellant failed to prove the said alleged offer. The appellant failed to produce any appointment letter or witness from the Just Dial Company. However, as the appellant had proved that he was an MBA, learned Tribunal has taken his income as that of a skilled labourer as Rs.10,000/- per month; and had accordingly assessed loss of income of the appellant for six months as Rs.60,000/-; thereby granting Rs.10,75,200/- as compensation in the following manner:-

Head	Amount
Treatment expenses	Rs.5,84,000/-
Pain and suffering	Rs.1,00,000/-
Attendant charges	Rs.1,19,000/-
Transportation charges	Rs.64,200/-
Special diet	Rs.50,000/-
Hospitalisation	Rs.18,000/-
Permanent disability	Rs.80,000/-
Loss of income	Rs.60,000/-
Total	Rs.10,75,200/-

14. From the above, it is clear that in the facts and circumstances of the case, 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 & Another Vs. Jasbir Kaur & Others**' Law Finder Doc ID # 64043 and '**Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty**', (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. In the case of “**General Manager, KSRTC Vs. Susamma Thomas & Others**” 1994 Volume-II SCC 176, the Hon’ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

15. In view of the above, present appeal stands **dismissed**.
16. Pending application(s) if any also stand(s) disposed of.

17.02.2026
Sunena

(Nidhi Gupta)
Judge

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