

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****155****FAO-5950-2023 (O&M)****Date of decision: 05.03.2026****Saroj****...Appellant(s)****Vs.****Amit Kumar and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- None for the appellant.

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

NIDHI GUPTA, J.**CM-20335-CII-2023**

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 37 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant/appellant, the same is allowed and delay of 37 days in filing the appeal is condoned.

FAO-5950-2023 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.1,25,000/- awarded by the learned Motor Accident Claims Tribunal, Rewari (for short "the learned



Tribunal”) vide Award dated 29.05.2023 passed in MACP Case No. 310 dated 17.05.2019 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 13.03.2019 due to the rash and negligent driving of a Motorcycle bearing registration No. HR-43C-5475 (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 jointly and severally held liable to pay the amount of compensation.

3. It may be pointed out that the present appeal is of the year 2023 and notice is yet to be issued. Since inception of the appeal, none has appeared on behalf of the appellant. As such, the present appeal, being of such an old vintage, is being heard and decided in the absence of learned counsel for the appellant.

4. A perusal of the Grounds of Appeal of the present appeal shows that the claimant has sought enhancement of compensation on the grounds that the amounts awarded by learned Tribunal under the heads of pain and suffering, special diet and attendant charges, are liable to be enhanced. It has further been averred that Income has been wrongly assessed; future prospects should have been @ 25%; and nothing has been awarded for follow-up treatment.



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. Upon perusal of the case file, I find that no ground is made out for enhancement of compensation. Perusal of the record of the case shows that the appellant has failed to specify, either in the Claim Petition or in the Grounds of Appeal, with regard to the exact nature of the injuries suffered by the appellant. In the Claim Petition, the appellant had merely stated that as the offending vehicle had hit the appellant, she had fallen down and “*sustained injuries*”. No details regarding the exact nature of injuries suffered by the appellant have been mentioned. Admittedly, there is nothing on record to remotely indicate that the appellant had suffered any permanent disability in the accident in question.

7. Appellant had further pleaded that she was doing work of dairy farming and was earning Rs.20,000/- p.m. However, appellant had failed to prove the said alleged employment or income. Accordingly, learned Tribunal had assessed income of the appellant as ₹8800/- per month. I find no error in the same.

8. However, Appellant had proved that she remained admitted in Government Hospital, Rewari from 13.03.2019 to 18.03.2019. Appellant had also proved medical bills Ex.P1 to Ex.P8 and Ex.P13 and Ex.P14 for a total amount of Rs.18,235/-. The discharge summary Ex.P9, and MLR Ex.P15 were proved by PW5 Dr. Ravinder Kumar. Appellant had further

proved and transport bills Ex.P9 to Ex.P12 for Rs.11,700/- from the evidence of PW2 Amit Kumar, owner of Ambulance No. HR-66A-6876. Learned Tribunal had therefore opined that due to injuries, appellant *“must have remained out of action for a period of about four months.”* Accordingly, Tribunal had granted compensation as follows: -

Sr. No.	Heads	Amount
1.	Medical and educational expenses	Rs.18,235/-
2.	Pain & Suffering including hospitalization	Rs.40,000/-
3.	Pain & suffering for undergoing 1 operation	Rs.10,000/-
4.	Loss of income for 4 months (Rs.8,800 X 4)	Rs.35,200/-
5.	Attendant’s charges @ Rs.2,000/- for 4 months	Rs.8,000/-
6.	Conveyance charges	Rs.11,700/-
7.	Miscellaneous expenses	Rs.1,865/-
	Total	Rs.1,25,000/-

9. It is my view that in face of the undisputed fact that appellant has not suffered any permanent disability in the accident in question, no Attendant was required to be employed by her. Moreover, Appellant has not produced any evidence to show that services of the attendant were required, let alone employed by her. There is also nothing on record to show that appellant had remained indisposed for four months. It would therefore appear that appellant has already been granted compensation in excess of what is payable to her as per the facts and evidence on record.

10. Accordingly, I find that no ground is made out for enhancement of the compensation awarded by the learned Tribunal. The present Appeal stands **dismissed**.
11. Pending application(s), if any, also stand(s) disposed of.

05.03.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No