

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****122****FAO-6155-2024(O&M)****Date of decision: 19.03.2026****Rahul****...Appellant(s)****Vs.****Subham & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Anshumaan Dalal, Advocate
for the appellant.

*********NIDHI GUPTA, J.****CM-23263-CII-2024**

This is an application under Section 5 of Limitation Act for condonation of delay of 20 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of the applicant/appellant, the same is allowed subject to all just exceptions and delay of 20 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.9,39,400/- awarded by the Motor Accident Claims Tribunal, Rohtak (hereinafter 'the learned Tribunal') vide Award dated 14.08.2024 passed in MACP/200 dated 30.07.2021 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 12.03.2021 due to the rash and negligent driving of Car bearing registration No.DL-2-CAZ-8891 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The said compensation has been awarded along with interest @ 7.5% per annum. Respondents No.1, 2 and 3 were held jointly and severally liable for payment of compensation.

3. Ld. counsel for the appellant seeks enhancement of compensation by submitting that the medical expenses as granted by the learned Tribunal are on the lower side. Nothing has been awarded by way of future prospects. Meagre amount has been awarded towards transportation and attendant charges. Even less amount has been given for pain and suffering as in the accident in question, the appellant had suffered 12% permanent disability. Marriage prospects are also liable to be added. It is accordingly prayed that the present appeal be allowed and compensation be enhanced.

4. No other argument is made on behalf of the appellant. 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.



5. As per the medical evidence on record, in the accident in question, the appellant had suffered “*compound fracture left ankle and distal fistula.*”. He had remained hospitalised from 12.03.2021 to 21.03.2021. Appellant had produced Medical bills Ex.P6 to Ex.P40, Ex.P49 and Ex.P50, for a total amount of of Rs.3,01,402/- which has been duly reimbursed by the Id. Tribunal. As per the Disability Certificate (Ex.P2), in the accident in question, the appellant had suffered 12% permanent disability. It is recorded in the Disability Certificate (Ex.P2), that the said disability is on account of scar over right thigh (donor site for SSG), scar over left leg posterior aspect (donor site for reverse sural flap) and well settled flap present over left foot. The said disability of the appellant has been proved from the evidence of PW2 Dr. Abhishek Sharma. Accordingly, learned Tribunal had granted an amount of Rs.60,000/- towards permanent disability (Rs.2000/- per percent of disability). Appellant has been unable to show any functional disability.

6. Although the appellant has claimed to be 19 years old at the time of accident. Further, it is the case of the appellant that he was taking coaching classes. Even though no proof of income has been produced by the appellant, yet the Tribunal has awarded an exorbitant amount of Rs.5 lakh towards loss of income. Tribunal further awarded compensation in the following manner:-

Head	Amount
Compensation on account of permanent disability (12%)	Rs.60,000/-



Pain and suffering and loss of enjoyment and expectancy of life	Rs.50,000/-
Medical expenses	Rs.3,01,402/-
Attendant charges during the period of treatment	Rs.9,000/-
Transportation charges during the period of treatment	Rs.10,000/-
Special diet and nutrition as advised by the doctor during the period of treatment	Rs.9,000/-
Future loss of income	Rs.5,00,000/-
Total	Rs.9,39,402/- rounded of to Rs.9,39,400/-

7. From the above, it is clear that in the facts and circumstances of the case, a more than just and fair compensation has already 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.

8. Learned counsel for the appellant is unable to dispute or controvert the aforesaid facts and findings.

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

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

19.03.2026

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No