

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****121****Date of decision: 27.01.2026****FAO-220-2025(O&M)****Gurmej Ram @ Gurmej Singh****...Appellant(s)****Vs.****Surender & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Kritika Mandhan, Advocate for
Mr. K.S. Dhanora, Advocate
for the appellant.

NIDHI GUPTA, J.
CM-796-CII-2025

This is an application under Section 5 of Limitation Act for
condonation of delay of 36 days in filing the appeal.

After going through the contents of the application, which is
supported by affidavit of the appellant, the same is allowed subject to all
just exceptions and delay of 36 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by injured-claimant seeking
enhancement of compensation of Rs.14,32,655/- awarded by the Motor
Accident Claims Tribunal, Kurukshetra (hereinafter 'the learned Tribunal')
vide Award dated 25.07.2024 passed in MACP Case No.91 dated



22.02.2019 filed under Sections 166 and 140 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 15.12.2018 due to the rash and negligent driving of tractor bearing registration No.HR-04H-7577 (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. Respondent No.3 was held liable to pay the compensation amount.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that in the accident in question, the appellant had suffered permanent disability of 15%; as a result of which he is unable to do his previous activities. Prior to the accident, the appellant was an agriculturist and earning Rs.20,000/- per month. Yet, Tribunal has taken income of the appellant as only Rs.8,541/- per month. The learned Tribunal has awarded very less compensation for future loss of income, loss of income, transportation, attendant charges, diet and nutrition etc. Even interest is awarded on the lower side as only 7.5%; whereas the same should be 12% per annum. It is accordingly prayed that the impugned Award be modified.



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. It was the pleaded case of the appellant before the learned Tribunal that prior to the accident, the appellant was an agriculturist and earning Rs.20,000/- per month. The appellant had also pleaded that in the accident, he had received multiple serious and grievous injuries on various parts of his body including right leg. Perusal of the medical evidence on record shows that PW4 Dr. Anup Mehta had issued Disability Certificate (Ex.P4/A) to show that the appellant had suffered permanent disability of 15%. However, PW4 Dr. Anup Mehta has clearly and categorically deposed that the said disability of the appellant is of a particular limb and not qua the whole body. In these circumstances, the learned Tribunal has correctly assessed functional disability of the appellant as only 10%. Further, in assessing the functional disability as 10%, the learned Tribunal had duly taken note of the fact that the appellant was unable to prove his assertion that he was an agriculturist by profession and earning Rs.20,000/- per month. In view of the above fact, the learned Tribunal had also assessed income of the appellant as Rs.8541/- per month on the basis of Notification issued by the relevant Minimum Wage Notification issued by the Labour Commissioner, Haryana. Age of the appellant was determined to be 52 years old. Accordingly, the Tribunal had correctly added future



prospects @ 10%; and correctly applied multiplier of 11. The Tribunal further awarded compensation as follows:-

Head	Amount
Annual income prior to the accident	Rs.8,541/-
Future prospects of 10%	Rs.8,541/- x 10/100 = Rs.854/-
Annual income	Rs.8,541/- + Rs.854/- = Rs.9395/- x 12 = Rs.1,12,740/-
Multiplier	11
Loss of future earning due to permanent disability	Rs.1,12,740/- x 11 = Rs.12,40,140/-
Loss of income	Rs.9,940/-
Transportation to hospital	Rs.10,000/-
Attendant charges	Rs.10,000/-
Diet and nutrition	Rs.15,000/-
Medical expenses	Rs.1,37,575/-
Future expenses	Nil
Percentage of disability assessed	10% permanent disability
Pain and suffering	Rs.10,000/-
Loss of prospectus of marriage	Nil
Disability resulting in loss of earning capacity	10%
Loss of future earning capacity in relation to disability	Rs.12,40,140/-
Total	Rs.14,32,655/-

6. 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.

7. Present appeal accordingly stands **dismissed**.
8. Pending application(s) if any also stand(s) disposed of.

27.01.2026
Sunena

(Nidhi Gupta)
Judge

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