

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****127****FAO-6821-2025(O&M)****Date of decision: 17.03.2026****Ravinder****...Appellant(s)****Vs.****Naveen Kumar & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Sarthak Mehta, Advocate
for the appellant.

NIDHI GUPTA, J.
CM-24285-CII-2025

This is an application under Section 5 of Indian Limitation Act for condonation of delay of 55 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 55 days in filing present appeal is condoned.

MAIN CASE

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.4,81,000/- awarded by the Motor Accident Claims Tribunal, Fatehabad (hereinafter 'the learned Tribunal') vide Award dated 03.07.2025 passed in MACP-91 dated 13.07.2020 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 14.05.2020 due to the rash and negligent driving of Canter bearing registration No.HR-62-9201 (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 in the accident in question, the appellant had suffered 25% permanent disability. Yet the learned Tribunal has not awarded anything whatsoever towards permanent disability.

4. Further, the appellant was hospitalized on 14.05.2020 where he was operated upon and discharged on 23.05.2020. Thereafter, the appellant again was hospitalized with effect from 06.06.2020 to 10.06.2020; from 06.10.2020 to 10.10.2020; then again on 11.02.2022 to 15.02.2022; and again from 11.05.2022 to 18.05.2022. It is submitted that each time the appellant was hospitalised he had to undergo operation; and is still under treatment as injuries suffered by the appellant have not been cured till now. However, these facts have not been considered by the learned Tribunal while assessing the compensation. In this regard, the learned Tribunal has



also not considered the evidence of PW1 Dr. Abhishek, who has proved the above-said facts. Further, the amounts awarded under the conventional heads are also liable to be increased. It is accordingly prayed that the present appeal be allowed and the impugned Award be modified.

5. 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.

6. As per the testimony of PW2 Dr. Anil Goyal, Medical Officer, Jindal Hospital, Hisar, in the accident in question, the appellant had suffered various fractures. From the MLR (Ex.P49) and Discharge Summary (Ex.P50) and other medical record, it is shown that the appellant had undergone operation; whereafter he was again admitted in hospital on 06.06.2020 for flab over right foot. As a result of which, he had to undergo further treatment and was operated upon on 08.06.2020 and was discharged on 10.06.2020. Thereafter, the appellant was again admitted in hospital on 06.10.2020 as he had contracted infection; whereafter, he was discharged on 10.10.2020. For all this treatment, the appellant had brought on record medical bills to the tune of Rs.3,92,863/-, which were duly rounded off to Rs.3,93,000/- and compensated by the learned Tribunal.

7. It has further been contended by the appellant that in the accident in question, he had suffered 25% permanent disability. However, the said contention is factually incorrect. Perusal of the record shows that



appellant had examined PW4 Dr Sangeeta Mehta, who had deposed that when the appellant was examined on 9.10.2024 by the Medical Board of which she was the Chairman, he was found to be suffering from 25% locomotor disability pertaining only to his right lower limb. PW4 duly proved the disability certificate Exhibit P 97. However, during cross-examination, PW4 has admitted that the disability of the appellant was not of the whole body was only of the right lower limb. She further deposed that she cannot tell what the percentage of disability would be in context to the whole body as she is not an Orthopaedician. She further deposed that this type of disability can be cured by way of physiotherapy and proper exercise. Thus, disability of the appellant cannot be stated to be permanent disability.

8. In view of the injuries suffered by the appellant, the Tribunal awarded an amount of Rs.50,000/- towards future treatment, which included compensation of loss of amenities of life etc. Learned Tribunal had awarded an amount of Rs.9,000/- (@ Rs.3000/- x 3 months) for nutritious diet; sum of Rs.9,000/- for attendant charges for three months; thereby granting total compensation in the following manner:-

Head	Amount
Medical expenses	Rs.3,93,000/-
Pain and suffering/disability	Rs.50,000/-
Nutritious diet	Rs.9,000/-
Attendant charges	Rs.9,000/-
Transportation charges	Rs.20,000/-
Total	Rs.4,81,000/-



9. 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 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 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 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.
10. Learned counsel for the appellant is unable to dispute or controvert the aforesaid facts and findings.
11. In view of the above, present appeal stands **dismissed**.
12. Pending application(s) if any also stand(s) disposed of.

17.03.2026

Sunena

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

(Nidhi Gupta)**Judge**