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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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FAO-2202-2019 (O&M)**Date of Decision : 21.04.2026**

Rajbir

....Appellant

VERSUS

Gulzar @ Moh. Gulzar and Others

....Respondents

CORAM : HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Deepak Kundu, Advocate
for the appellant.

Mr. Sanjeev Goyal, Advocate
for respondent No.3 – Insurance Company.

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NIDHI GUPTA, J.**CM-6718-CII-2019**

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 of CPC is for condonation of delay of 71 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is supported by an affidavit of the applicant/appellant, the same is allowed and delay of 71 days in filing the accompanying appeal is condoned.

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At the very outset, it may first be pointed out that although the present appeal is of the year 2019, but notice is yet to be issued in the main appeal. Order sheets show that since the inception of the appeal, the matter has been repeatedly



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adjourned, either at the request of or due to the non-appearance on behalf of learned counsel for the appellant. Even today, a request for a adjournment was made by learned counsel for the appellant. However, keeping in view the above facts, the said request was declined.

2. Present appeal has been filed by the injured-claimant namely Rajbir seeking enhancement of compensation of Rs.8,86,000/- awarded by the learned Motor Accident Claims Tribunal, Panipat (hereinafter referred to as “the learned Tribunal”) vide Award dated 11.07.2018 passed in MACT Claim Petition No.62 dated 10.10.2016 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as “the Act”).

3. Brief facts of the case are that the Tribunal upon appraisal of pleadings and oral and documentary evidence adduced by the parties had concluded that the appellant had suffered injuries in a motor vehicular accident that took place on 12.10.2014 at 12:00 noon due to rash and negligent driving of a Car bearing registration No. HR-76A-4748 (hereinafter ‘the offending vehicle’) being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The above compensation has been awarded along with interest at the rate of 7.5% per annum. The liability to pay said compensation was held to be jointly and severely.

4. Ld. counsel for the appellant seeks enhancement of compensation by submitting that nothing has been awarded by the learned Tribunal towards future prospects on the basis of disability suffered by the appellant. Compensation awarded by the Tribunal on account of disability is on the lower side. Nothing has even been awarded towards attendant charges, future treatment, and operations to be undergone by the appellant. Amount awarded for transportation is on the lower



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side. It is accordingly prayed that the present appeal be allowed and the compensation awarded to the appellant be enhanced.

5. *Per contra* learned counsel for respondent No.3 – Insurance Company vehemently opposes the submissions advanced on behalf of the appellant and submits that in the fact and circumstances of the case, the learned Tribunal has awarded adequate compensation. And no ground is made out for enhancement of compensation. It is accordingly, prayed that the present appeal be dismissed.

6. No other argument is raised on behalf of ld. counsel for the parties.

7. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellants.

8. A perusal of the record shows that it was the pleaded case of the appellant before the learned Tribunal that following the accident dated 12.10.2014, the appellant had remained indoor patient from 12.10.2014 to 22.10.2014 and 09.01.2015 to 13.01.2015. Appellant Rajbir had himself appeared as PW-1 and had deposed in his examination-in-chief Ex.PW1/A, that MLR was prepared by the doctor of Maharaja Aggarsain Hospital, Panipat. He had further deposed that after the accident he had become disabled and disfigured and was not capable of doing any work; and that he had spent Rs.10,00,000/- on his treatment.

9. The appellant had examined PW-3 Dr. Narender Ahalwat, who had proved that the appellant was medico legally examined vide MLR Ex.P4, which was prepared by Dr. Deepak. PW-3 had deposed that appellant was hospitalized on 12.10.2014 with fracture of right femur, for which he was operated upon by the said Dr. Deepak Bhardwaj. Appellant was transfused five units of blood and was discharged on 22.10.2014, vide Discharge Summary Ex.P6. PW-3 had further deposed that the appellant had again been admitted in the hospital on 09.01.2015

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for bending of the femur plate for which he was again operated upon and removal of the plate with nailing of right femur was done.

10. PW-4 Dr. Dinesh Deswal had proved the medical Bills Ex.P19 to Ex.107 pertaining to the appellant and co-injured Kavita (appellant in connected FAO 1201 of 2019 arising out of MACT case No. 625 dated 10.10.2016).

11. Appellant had also examined PW-7 Dr. Ajay Kapoor, Senior Medical Officer, Civil Hospital, Panipat, who had brought the summoned record regarding Disability Certificate No.41/C dated 16.02.2017 issued to the appellant on the basis of IQ Report dated 27.09.2017 issued by the PGIMS, Rohtak regarding the mild mental retardation of the appellant. PW-7 had deposed that he was member of Disability Board; and Disability Certificate Ex.P336 was proved to be signed by him. As per the said Disability Certificate, the appellant had suffered 52% '*mild mental retardation*'.

12. Keeping in view the aforesaid facts, learned Tribunal had awarded the compensation in the following manner:-

Sr. No.	Heads	Calculation (in Rs.)
1.	Treatment Expenses	Rs.3,17,000/-
2.	Transportation Expenses	Rs.4,000/-
3.	Pain and Sufferings	Rs.50,000/-
4.	Special Diet	Rs.10,000/-
5.	Attendant Charges	Rs.5,000/-
6.	Disability compensation	Rs.5,00,000/-
7.	Total	Rs.8,86,000/-

13. However, learned counsel for the appellant is also unable to clarify as to how the Disability Certificate dated 16.2.2017 could have been issued on the basis of a subsequent IQ Report dated 27.9.2017.

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14. It is also to be seen that as per the own admitted case of the appellant, the injuries suffered by him are fracture of femur – which has no co-relation with the alleged mild mental retardation of the appellant. Learned counsel for the appellant has been unable to point out any evidence by any of the doctors i.e PW-3, PW-4, or PW-7 examined by the appellant to the effect that the said mild mental retardation in the appellant has occurred due to the fracture of femur suffered by him in the accident dated 12.10.2014. Moreover, Disability Certificate of the appellant is issued 16.02.2017, which is almost 3 years after the accident in question which had taken place on 12.10.2014. Ld. counsel for the appellant is unable to clarify these facts.

15. Learned counsel has not been able to apprise the Court as to the avocation of the appellant prior to the accident; and how the disability or the injury of fracture of femur suffered by the appellant will impede the appellant in the discharge of his professional duties.

16. In view of the above, I find no ground is made out for enhancement of compensation. The present Appeal accordingly stands **dismissed**.

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

April 21, 2026
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(NIDHI GUPTA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No