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

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FAO-1201-2019 (O&M)**Date of Decision : 21.04.2026**

Kavita

....Appellant

VERSUS

Gulzar @ Moh. Gulzar and Others

....Respondents

CORAM : HON'BLE MS. JUSTICE NIDHI GUPTAPresent: Mr. Deepak Kundu, Advocate
for the appellant.Mr. Sanjeev Goyal, Advocate
for respondent No.3 – Insurance Company.**NIDHI GUPTA, J.****CM-3557-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 59 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 59 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 adjourned, either at the request of or due to the non-appearance on behalf of Id.



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counsel for the appellant. Even today, request for adjournment was made by Id. 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 seeking enhancement of compensation of Rs.2,50,000/- awarded by the Motor Accident Claims Tribunal, Panipat (hereinafter “the learned Tribunal”) vide Award dated 11.07.2018 passed in MACT Claim Petition No.63 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 the 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 negligence 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 joint and several.

4. Ld. counsel for the appellant seeks enhancement of compensation by submitting that while computing the compensation payable to the appellant, the learned Tribunal has miserably failed to consider the 13% disability suffered by the appellant in accident in question. It is submitted that due to the said disability the appellant is not able to work smoothly and treatment is still going on. The Medical Board has duly proved the permanent disability of the appellant as 13% by issuing Disability Certificate dated 5.09.2018 Ex.A1. However, nothing has been awarded towards future treatment and operations. Amounts awarded by the Tribunal under

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the various heads are on the lower side. Even nothing has been awarded by the learned Tribunal towards future prospects. It is accordingly prayed that the present appeal be allowed and compensation of Rs.30,00,000/- be awarded to the appellant.

5. *Per contra* learned counsel for respondent No.3 – Insurance Company opposes submissions advanced on behalf of the appellant and submits that the Tribunal has awarded the adequate compensation; and no ground is made out for enhancement of compensation. Accordingly, prays that present appeal be dismissed.

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

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 as per the medical evidence on record in the accident dated 12.10.2014, the appellant had suffered a '*compound fracture of right tibia and fibula bones.*' The said injuries of the appellant were duly proved from the evidence of PW-3 Dr. Narender Ahlawat; who had further proved deposed that the appellant had been operated upon for the said injuries and was discharged on 18.10.2014 vide Discharge Summary Ex.P10. PW-3 had further deposed that the appellant was again admitted on 27.10.2014 for operated site infection for which she was treated conservatively for regular dressings and T.V antibiotics etc.; whereafter she was discharged on 30.10.2014 vide Discharge Summary Ex.P11. PW3 had further deposed that for the same infection, the appellant was repeatedly admitted from 04.09.2015 to 05.09.2015; 25.01.2016 and 04.04.2016 to 06.04.2016 vide Discharge Summaries Ex.P12 to Ex.P14. PW-3 also proved the final bills of admission Ex.P15 to Ex.P18.

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9. PW-4 Dr. Dinesh Deswal had proved the medical Bills Ex.P19 to Ex.107 pertaining the appellant-Kavita and her husband-Rajbir.

10. Record-keeper had proved the OPD slips Ex.P108 to Ex.290 of appellant – Kavita and her husband-Rajbir.

11. From the above it is clear that before the learned Tribunal the appellant had led no evidence whatsoever in respect of any permanent disability suffered by her in the accident in question. A perusal of the entire Award and record of the case shows that there is no mention whatsoever of any permanent disability suffered by the appellant. It is only pleaded in the present Grounds of Appeal that appellant has suffered permanent disability of 13% vide Disability Certificate dated 05.09.2018. However, Award was passed on 11.7.2018. Moreover, at the time of arguments no such certificate is brought to the notice of this Court by the learned counsel for the appellant. Even further, learned counsel has not been able to point out any evidence led by any of the doctors examined by the appellant in regard to the alleged permanent disability of 13% suffered by appellant. As such, no error can be found in the fact that no compensation was awarded to appellant for permanent disability.

12. Keeping in view the above-facts the learned Tribunal had awarded compensation to the appellant in the following manner:-

Sr. No.	Heads	Calculation (in Rs.)
1.	Treatment Expenses	Rs.2,25,140/-(rounded off to Rs.2,25,000/-)
2.	Transportation Expenses	Rs.5,000/-
3.	Pain and Sufferings	Rs.10,000/-
4.	Special Diet	Rs.5,000/-
5.	Attendant Charges	Rs.5,000/-
7.	Total	Rs.2,50,000/-



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

14. 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