



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

CM-14972-CII-2024 in/and
FAO-4085-2024 (O&M)
Date of Decision: 27.08.2026

Manpreet Singh

..... Appellant

Versus

Jasvir Singh Suri and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Deepak Bishnoi, Advocate, for
Mr. S. S. Swaich, Advocate,
for the applicant-appellant.

HARSH BUNGER J. (ORAL)

CM-14972-CII-2024

Application (CM-14972-CII-2024) is filed seeking
condonation of delay of 203 days in filing the instant appeal (FAO-4085-
2024).

Keeping in view the reasons mentioned in the instant
application (CM-14972-CII-2024), the same is allowed and delay of 203
days in filing the instant appeal (FAO-4085-2024) is condoned.

The instant application, i.e. CM-14972-CII-2024, is disposed of
in the aforesaid terms.

FAO-4085-2024 (O&M)

1. The present appeal has been filed by the claimant seeking
enhancement of compensation of Rs.13,29,442/- awarded by learned Motor
Accident Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as the
“Tribunal”) vide award dated 07.11.2023 passed in MACP-94/2022, filed



under Section 166 of the Motor Vehicles Act, 1988 (in short the “1988 Act”).

2. Briefly, the appellant-claimant (Manpreet Singh) filed a claim petition under Section 166 of the 1988 Act before the learned Tribunal seeking compensation on account of death of his brother Manjot Singh in a motor vehicular accident on 31.03.2022. According to the appellant/claimant, on 31.03.2022 he had gone to Rajpura for some personal work where Manjot Singh and Meetu met him there and they were coming to Bassi Pathana on their separate vehicles. The appellant/ claimant is stated to be on a Scooty bearing registration No.PB-52-B-9610 owned by Manjot Singh, whereas Manjot Singh was a pillion rider on motorcycle bearing registration No.PB-52-B-0320, being driven and owned by Meetu. It is stated that when they reached near Swaran Multani Dhaba, Basantpura, then motorcycle of Meetu and Manjot Singh got punctured and they stopped their motorcycle on the left side of the road. It was stated that Manjot Singh went towards the side of petrol pump to search the puncture repair shop after crossing the road and while he was coming from the petrol pump side, he stopped near the divider. When he was crossing the road, a Ciaz Car bearing registration No.PB-37-H-0303 came from Rajpura side being driven in a rash and negligent manner by Jasbir Singh, which hit Manjot Singh. As a result of which, Manjot Singh fell down on the road and received multiple grievous injuries. Jasbir Singh (driver of the offending vehicle) stopped the car for a while and when the appellant noted down the registration number of the offending car and upon seeing the injuries of Manjot Singh, Jasbir Singh ran away from the spot alongwith his car. Thereafter, the appellant



alongwith Meetu arranged the vehicle and got Manjot Singh admitted to Civil Hospital, Fatehgrah Sahib from where he was referred to PGI, Chandigarh. Manjot Singh is stated to have gone into comma and ultimately expired on 11.04.2022 during his treatment there. Even a case FIR No.20 dated 09.04.2022, under Sections 279, 337, 338 and 304-A IPC (added later on) was registered at Police Station Sadar Rajpura by the appellant-claimant.

2.1 Accordingly, the appellant filed a claim petition before the learned Tribunal claiming Rs.60,00,000/- as compensation alongwith interest @ 18% per annum from the date of accident till realization.

3. Upon issuance of notice in the claim petition, respondent No.1 (being the owner and driver of the offending vehicle) opposed the claim submitted by the appellant. Similarly, respondent No.2-Insurance Company also opposed the claim of the appellant by filing its separate written statement.

4. From the pleadings of the parties, learned Tribunal framed the following issues:-

- “1 Whether Manjot Singh died due to negligent driving of respondent No.1? OPP*
- 2 If issue no.1 is proved then whether claimant is entitled to compensation from respondent and at what rate/interest? OPP*
- 3 Whether claim petition is not maintainable? OPR*
- 4. Whether respondent No.1 was not having valid driving licence/registration certificate/pollution certificate? OPR 3*
- 5. Whether claimant has no locus standi to file the present claim petition? OPR*
- 6. Whether claimant has concealed true and material facts*



from the court? OPR

7. *Relief.”*

5. Thereafter, the parties led their respective evidence (oral as well as documentary) on the aforesaid issues.

6. Learned Tribunal, after considering the pleaded case of the parties as well as the evidence available on record, allowed the claim petition filed by the appellant-claimant by granting compensation of Rs.13,29,442/- alongwith interest @7.5% per annum from the date of filing of the petition till its realization.

7. In the aforementioned circumstances, the present appeal has been filed before this Court seeking enhancement of compensation.

8. Learned counsel for the appellant seeks enhancement of compensation by submitting that the deceased was working in a flour mill, was doing the work of lighting and decoration and was also working with DJ (Disc Jockey). It was pleaded that the deceased was earning Rs.30,000/- per month therefore, the income of the deceased has been wrongly taken by the learned Tribunal on the lower side. Accordingly, it is prayed that the appeal be allowed and the impugned award dated 07.11.2023 be modified.

9. No other argument has been raised on behalf of the appellant.

10. I have heard learned counsel for the appellant and perused the paper-book with his able assistance.

11. As regards the income of the deceased, learned Tribunal has returned the following findings:-

“21. The claimant has averred in the claim petition that deceased was aged 27 years. The deceased was born on 01.01,1990 according to PAN Card (Ex.RX). Therefore, this



tribunal held the age of the deceased to be 32 years. The claimant further averred in the claim petition that the deceased was working on Flour Mill, doing the work of lightening and decoration and doing the work with DJ. The deceased was earning Rs.30,000/- per month. The claimant as examined CW-2 Jasvir Singh to prove the income of the deceased but no reliance can be placed on his statement because he has stated in his cross examination that he has mentioned the income of deceased by guess work. Further if the deceased was earning Rs.30,000/- he must be an income tax assessee. But no income tax was paid by him. Therefore, this tribunal is of the considered opinion exhorted income has been mentioned in the claim petition. Therefore, this tribunal holds that the deceased was an unskilled labour and his monthly income is assessed as Rs.9542.18 (rounded of to Rs.9,543/-) as per the letter no.ST/10279 dated 11.10.2022 issued by the office of Labour Commissioner Punjab, fixing the minimum wages in the State of Punjab. The deceased was 32 years of age. Therefore, the annual income of the deceased came out to Rs.1,14,516/- (9,543 x 12). The deceased was only survived by his brother Manpreet Singh. Therefore, following the ratio of authority titled as Sarla Verma and others Vs. Delhi Transport Corporation and another reported in 2009 ACJ page 1298, 1/2 of the amount is to be deducted as personal expenses of the deceased. Therefore, the deceased was contributing Rs.57,258/- (1,14,516/- - 57,258/-). 40% was added as future prospect as Manjot Singh was 27 years of age at the time of accident, which comes to Rs.80,162/- (57,258 + 22,904). Therefore, as per Sarla Verma and others case (Supra), the multiplier of "16" is to be applied in the present case. Therefore, the claimants are entitled compensation to Rs.12,82,592/- (80,162/- x 16). Claimant Manpreet Singh being second class legal heir will not be entitled to compensation on



account of consortium, Rs.16,500/- as funeral expenses and Rs.16,500/- as loss of estate. It has also come on record that deceased was referred to PGI Chandigarh and he died in PGI Chandigarh during his treatment on 11.04.2022 as per death certificate proved on record as Ex.C-22. The claimants have also proved on record medical bills Ex.C-1 to Ex.C-18, which comes to Rs.13,850/- In total the claimant will be entitled to Rs.13,15,592/- + 13,850/- = 13,29,442/-. The claimant will be further entitled to interest at the rate of interest of 7.5% on the awarded amount from the date of claim petition till realization.”

12. In reference to the above extracted finding returned by the learned Tribunal, a specific query was raised to learned counsel for the appellant to indicate from any material, which would *prima facie* show that the deceased was earning more than Rs.9543/- per month as taken by the learned Tribunal for assessing the compensation. In response to the aforesaid query, learned counsel for the appellant has failed to refer any material which may indicate that the deceased was earning more than Rs.9543/- per month as taken by the learned Tribunal.

13. Evidently, the appellant-claimant did not lead any evidence in support of his claim that the deceased was earning Rs.30,000/- per month. In the absence of any proof regarding the income of the deceased, the learned Tribunal has taken the deceased as an unskilled labourer and accordingly, assessed his monthly income as Rs.9543/- by placing reliance upon the notification/letter dated 11.10.2022 issued by the office of Labour Commissioner, Punjab, fixing the minimum wages in the State of Punjab. Further, the age of the deceased has been taken as 32 years based upon an entry on the PAN card (Ex.RX) showing the date of birth of the deceased as



01.01.1990, whereas the accident had taken place on 31.03.2022. Keeping in view the judgment passed by the Hon'ble Supreme Court in case of ***Sarla Verma (Smt.) and others vs. Delhi Transport Corporation and another***", **2009 (6) SCC 121**, 50% of the amount has been deducted towards personal expenses of the deceased. Further, 40% has been added as future prospects and a multiplier of 16 has been applied.

13.1 Further, Rs.16,500/- as funeral expenses and another Rs.16,500/- as loss of estate have been granted by the learned Tribunal. Additionally, medical expenses on the basis of medical bills (Ex.C1 to C18) have been further granted to the extent of Rs.13,850/-. Accordingly, total compensation amount has been awarded as Rs.13,29,442/- alongwith interest @ 7.5% per annum on the awarded amount.

14. As per the judgment of the Hon'ble Supreme Court in ***New India Assurance Company Ltd. vs. Vinish Jain and others, 2018 (3) SCC 619***, it has been held that where difference in compensation is about 4% to 5% only, it does not warrant interference by this Court as, such variation in compensation is within permissible limits.

15. From the aforementioned facts and circumstances, it is clear that a fair compensation has been awarded to the appellant-claimant. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellant.

16. 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 v. Jasbir Kaur & Others' 2003 (7) SCC 484***



and *Divisional Controller K.S.R.T.C. v. 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.

17. In view of the above discussion, the present appeal stands dismissed.

18. All the pending application(s), if any, shall also stand closed.

27.08.2026
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(HARSH BUNGER)
JUDGE

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| 1. Whether speaking/reasoned | : | Yes/No |
| 2. Whether reportable | : | Yes/No |