IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 08.12.2025

FAO-952-2023(O&M)

Manjit Kaur (since deceased) through LRs & Others

...Appellant(s)

Vs.

Satish Kukkar & Another

...Respondent(s)

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CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ashwani Arora, Advocate
for the appellants.

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NIDHI GUPTA, J.

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.13,62,756/- awarded by the Motor Accident Claims Tribunal, Moga (hereinafter 'the learned Tribunal') vide Award dated 14.12.2022 passed in MACP Case No.26 dated 03.08.2021 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The original Claim Petition had initially been filed by the 60-year-old widow, 37-year-old married son, 35-year-old married son and 33-year-old married son of deceased Joginder Singh, who was 64 years 11 months 24 days old at the time of accident. During the pendency of the Claim Petition, claimant no.1 namely, Manjit Kaur 60-year-old widow of deceased Joginder Singh had expired; and the claimants No.2, 3 and 4 were brought in as LRs of the claimant No.1.

2. Brief facts of the case are that the ld. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Joginder Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 06.07.2021 at about 8:45 am due to the rash and negligent driving of TATA Pick-up bearing registration No.RJ-13-GA-8336 (hereinafter referred to as "the offending vehicle") being driven and owned by respondent No.1 and insured by respondent No.2. The aforesaid compensation has been awarded along with interest @ 7.5% per annum. The respondents were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.28,517/- per month. It is submitted that the appellants had proven on record that the deceased was running a Kiryana Shop from which he was earning Rs.10,000/- per month. Thus, income of the deceased ought to have been taken as Rs.38,517/- per month.

4. Moreover, deduction of 50% has been wrongly made. As the claimants No.2, 3 and 4 although major married sons of the deceased, who are residing with the deceased, were entitled to compensation. Furthermore, only Rs.1,32,000/- has been awarded under the head of loss

of consortium to appellants, whereas it should be Rs.1,78,000/- as the deceased had left behind four claimants at the time of his death. Interest should be 12%. Learned counsel accordingly prays for enhancement of compensation.

5. In support of his contentions, learned counsel relies upon judgment of Hon'ble Supreme Court in **Seema Rani v. Oriental Insurance Company Limited, (SC) : law Finder Doc ID # 2693672; Babita Singh @ Singha vs. New India Assurance Co. Ltd. and others : Law Finder Doc ID # 2432568** and judgment of this Court in **FAO-1745-2022 titled as "New India Assurance Co. Ltd. Vs. Kulwant Kaur & Others" decided on 10.01.2025.**

6. No other argument is made on behalf of the appellants. I have heard learned counsel and perused the case file in detail. I find no merit in the submission advanced on behalf of the appellants.

7. It was the pleaded case of the appellants before the learned Tribunal that deceased had retired from PSPCL and was drawing pension of Rs.30,000/- per month. It was pleaded by the appellants in the Claim Petition that deceased was also running a Kiryana Shop at the village from which he was earning Rs.10,000/- per month. To prove their case, the claimants had produced CW1 Manpreet Singh, who had proved on record the copy of Pension Order (Ex.C3), attested copy of Salary Details (Ex.C4), attested copy of Bank Passbook of the deceased (Ex.C5) from which it was evident that the deceased was drawing pension of Rs.28,517/- per month. Contention of the

claimants that deceased was also earning Rs.10,000/- per month from Kiryana Shop, remained unsubstantiated as no evidence was produced by the claimants in support of the said assertion. Accordingly, the learned Tribunal had correctly taken income of the deceased as Rs.28,517/- per month. I find no error in the same.

8. Further, age of the deceased was proved to be 64 years 11 months and 24 days old as per his Pension Payment Order (Ex.C3) in which his date of birth is mentioned as 12.07.1956. Accordingly, the learned Tribunal correctly applied multiplier of 7. As deceased was between 61 to 65 years of age, no future prospects were liable to be added.

9. Further, learned Tribunal has made deduction of 50% towards personal expenses. It has been submitted on behalf of the appellants that the said deduction is incorrect as the appellants were dependent on the income of the deceased and were residing with the deceased. However, Manjit Kaur/deceased claimant No.1/widow, while appearing as CW2 had deposed that all the three sons are married and residing separately. Moreover, appellants have been unable to prove anything on record to show that they were financially dependent on the income of the deceased. In this regard, reference may be made to judgment of the Hon'ble Supreme Court in **Deep Shikha v. National Insurance Company Ltd., (SC) : Law Finder Doc ID # 2729764**; wherein it is held that married daughter of the deceased is not entitled to compensation, unless financial dependency is proved. There is

nothing to show as to why, if, married daughters are held to be not dependent on the deceased then why should married sons be held to be dependent on the deceased. Therefore, I find no error in the deduction of 50% made by the learned Tribunal towards personal expenses.

10. Learned counsel for the appellants can derive no benefit from the relied upon the judgments including **Babita Singh (supra)**, as the same are distinguishable on facts inasmuch as in the said cases, wife of the deceased was still alive.

11. Further, the learned Tribunal had awarded Rs.44,000/- each to all the three claimants towards loss of consortium; and Rs.16,500/- each towards loss of estate and funeral expenses; and awarded compensation in the following manner:-

Head	**Amount**
Monthly income	Rs.28,517/-
Deduction	(50%) Rs.14,259/-
Remaining amount per month	Rs.28,517/- - Rs.14,259/- = Rs.14,259/-
Multiplier	7
Total income per annum	Rs.14,259/- x 12 x 7 = Rs.11,97,756/-
Loss of estate	Rs.16,500/-
Funeral expenses	Rs.16,500/-
Loss of consortium	Rs.44,000/- x 3 = Rs.1,32,000/-
Total	**Rs.13,62,756/-**

12. From the above facts, it is clear that a very just and fair compensation has been awarded to the appellants. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellants. 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.

13. In view of the above, present appeal is **dismissed.**

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

08.12.2025 **(Nidhi Gupta)**
Sunena **Judge**

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