IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

260

FAO-2095-2022(O&M)
Date of decision: 30.10.2025

Sarabjit Kaur & Others

...Appellant(s)

Vs.

Balbir Singh & Others

...Respondent(s)

***

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Amit Kumar Walia, Advocate
for the appellants (through VC).

Mr. Harinder Kumar, Advocate
for respondent No.3.

***

NIDHI GUPTA, J.

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.4,30,000/- awarded by the Motor Accident Claims Tribunal, Sangrur (hereinafter 'the learned Tribunal') vide Award dated 21.09.2021 passed in Case No.48 dated 01.03.2019 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 3 claimants are the 68-year-old widow, 51-year-old son and 55-year-old son of deceased Gurbachan Singh, who was 70 years old at the time of death.

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 Gurbachan Singh had died due to the injuries

suffered by him in a motor vehicular accident that took place on 28.10.2018 at about 11:45 am due to the rash and negligent driving of the Truck bearing registration No.PB-13-AF-8696 (hereinafter "the offending vehicle") being driven by respondent No.1, owned by respondent No.2, and insured by respondent No.3. Respondents were held jointly and severally liable for payment of compensation.

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.9,000/- per month. It is submitted that the appellants had duly proved on record that the deceased was an agriculturist and doing dairy farming. It is submitted that the appellants had produced Harbans Singh CW1 who had deposed and proved that he was owning 18 acres of land out of which he had given 3 acres to the deceased on theka from which the deceased was earning Rs.30,000/- per month. Learned counsel submits that the appellants had even produced Jamabandi to prove ownership. It is submitted that accordingly, income of the deceased has been taken on the lower side and ought to have been taken as Rs.30,000/- per month. It is further submitted that consortium should have been granted @ of Rs.80,000/-. Moreover, no interest has been awarded to the appellants.

4. Ld. counsel for respondent No.3 vehemently opposes the submissions made on behalf of the appellants and submits that the impugned Award suffers from no error; and prays for dismissal of the appeal.

5. No other argument is made on behalf of the parties. 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.

6. No doubt, CW1 has deposed as noted above, however, it is established position in law that only supervisory compensation has to be awarded in respect of agricultural land; as the land and the dairy milch cattle are still with the claimants. In this circumstance, it is my view that income of the deceased has been correctly assessed as Rs.9,000/- per month towards supervision of the agricultural land. As age of the deceased was 70 years, no future prospects were to be granted; and multiplier of 5 has been correctly applied. Furthermore, as claimants No.2 and 3 are the 51 and 55 year-old sons of the deceased, as such, in actual fact, the deduction of 1/2 ought to have been made towards personal expenses, however, the learned Tribunal has made deduction of 1/3rd. Under the conventional heads, the learned Tribunal has correctly awarded consortium of Rs.40,000/- to claimant No.1/widow, funeral expenses of Rs.15,000/- and loss of estate of Rs.15,000/-; thereby calculating compensation in the following manner:-

Head	**amount**
Income	Rs.9,000/- x 12 = Rs.1,08,000/-
Multiplier	Rs.1,08,000/- x 5 = Rs.5,40,000/-
Deductions @ 1/3rd	Rs.1,80,000/-
Loss of dependency	Rs.3,60,000/-
Funeral expenses	Rs.15,000/-
Loss of consortium	Rs.40,000/-
Loss of estate	Rs.15,000/-
Total	**Rs.4,30,000/-**

7. 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. Mahadev 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.

8. The present appeal accordingly stands **dismissed.**

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

30.10.2025 **(Nidhi Gupta)**
Sunena **Judge**

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