



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

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Date of decision: 15.12.2025

FAO-1108-2024(O&amp;M)

Noorbano Begam &amp; Others

...Appellant(s)

Vs.

Sokin &amp; Others

...Respondent(s)

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CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sandeep Yadav, Advocate for  
Mr. Rajesh Goyal, Advocate  
for the appellants.

Mr. Diwan S. Adlakha, Advocate  
for respondent No.3.

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**NIDHI GUPTA, J.**  
**CM-4471-CII-2024**

This is an application under Section 5 of Limitation Act for  
condonation of delay of 101 days in filing the appeal.

After going through the contents of the application, which is  
supported by affidavit of appellant No.1, the same is allowed subject to all  
just exceptions and delay of 101 days in filing the present appeal is condoned.

**FAO-1108-2024**

Present appeal has been filed by claimants seeking  
enhancement of compensation of Rs.18,72,265/- awarded by the Motor



Accident Claims Tribunal, Panipat (hereinafter 'the learned Tribunal') vide Award dated 29.07.2023 passed in MACT Petition No.91 dated 26.10.2020 filed under Sections 166 and 140 of the Motor Vehicles Act (hereinafter "the Act"). The 4 claimants are the 33-year-old widow; three minor children aged 9, 5 and 3 years respectively, of deceased Samid Ali, who was 38 years old at the time of accident,

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Samid Ali had died due to the injuries suffered by him in a motor vehicular accident that took place on 11.09.2020 due to the rash and negligent driving of TATA Canter bearing registration No.HR-56A-8299 (hereinafter referred to as "the offending vehicle") being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. 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. The only ground on which learned counsel for the appellants seeks enhancement of compensation is that consortium has been awarded only to claimant No.1/widow of the deceased; and nothing has been awarded to the claimants No.2 to 4/minor children of the deceased by way of consortium. It is accordingly prayed that the impugned Award be enhanced in the above terms.



4. Notice of motion.

5. On the asking of the Court, Mr. Diwan S. Adlakha, Advocate accepts notice on behalf of respondent No.3-Insurance Company. Learned counsel for the respondent No.3 opposes the submissions advanced on behalf of the appellants and submits that the impugned Award suffers from no error; and the present appeal accordingly deserves to be dismissed.

6. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find 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 was 38 years old and was working in a Private Factory as skilled worker and earning Rs.18,000/- per month. However, as the appellants failed to adduce any cogent or documentary proof of said avocation or income of the deceased, the Tribunal had assessed notional income of the deceased as Rs.9,458/- per month on the basis of the relevant Minimum Wage Notification issued by the State of Haryana. I find no error in the same.

8. Further, age of the deceased was proved to be 38 years old at the time of accident on the basis of his Aadhaar Card (Ex.P3) wherein his date of birth is mentioned as 01.01.1982. Accordingly, learned Tribunal had correctly made an addition of 40% towards future prospects; and correctly applied multiplier of 15. Learned Tribunal had further awarded Rs.48,400/-



to claimant No.1/widow as consortium; and Rs.18,150/- each towards funeral expenses and loss of estate.

9. As per judgments of the Hon’ble Supreme Court in “**National Insurance Company Ltd. VS. Pranay Sethi & Others**” Law Finder Doc ID # 918174; “**Sarla Verma Vs. Delhi Transport Corporation**” (2009) AIR (SC) 3104 Law Finder Doc ID # 188882; **Rani @ Raj Kumari v. Kamlakat Gupta, (SC) : Law Finder Doc ID # 2818646**; and **Samyak Jain v. Kesrilal Mehta, (SC) : Law Finder Doc ID # 2783911**; and judgments of this Court in **Smt. Mukesh v. Ramdev, (Punjab And Haryana) : Law Finder Doc ID # 2718585**; and **Sunita v. Shoib Khan, (Punjab And Haryana) : Law Finder Doc ID # 2687802**, amount of Rs.48,400/- each i.e. total of Rs.96,800/- is payable to the claimants No.2 and 4 by way of consortium, as claimant No.3/minor daughter has since expired. Thus, compensation payable to the appellants is reassessed as under:-

| Head                           | Amounts awarded by the learned Tribunal           | Re-assessed compensation                          |
|--------------------------------|---------------------------------------------------|---------------------------------------------------|
| Monthly income                 | Rs.9,458/-                                        | Rs.9,458/-                                        |
| Annual income                  | Rs.1,13,496/-                                     | Rs.1,13,496/-                                     |
| Deduction of 1/4 <sup>th</sup> | Rs.1,13,496/-<br>Rs.28,374/- = Rs.85,122/-        | Rs.1,13,496/-<br>Rs.28,374/-<br>Rs.85,122/-       |
| Addition of 40%                | Rs.34,049/- per annum                             | Rs.34,049/- per annum                             |
| Multiplier of 15               | Rs.34,049/- x 15 =<br>Rs.5,10,735/-               | Rs.34,049/- x 15 =<br>Rs.5,10,735/-               |
| Loss of dependency             | Rs.12,76,830/-<br>Rs.5,10,735/-<br>Rs.17,87,565/- | Rs.12,76,830/-<br>Rs.5,10,735/-<br>Rs.17,87,565/- |



|                                                           |                |                                   |
|-----------------------------------------------------------|----------------|-----------------------------------|
| Loss of consortium to claimant No.1/widow                 | Rs.48,400/-    | Rs.48,400/-                       |
| Loss of consortium to claimants No.2 and 4/minor children | Nil            | Rs.48,400/- each i.e. Rs.96,800/- |
| Loss of estate                                            | Rs.18,150/-    | Rs.18,150/-                       |
| Funeral expenses                                          | Rs.18,150/-    | Rs.18,150/-                       |
| Total                                                     | Rs.18,72,265/- | Rs.19,69,065/-                    |

10. Present appeal stands **allowed** in above terms.

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

15.12.2025  
Sunena

(Nidhi Gupta)  
Judge

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