

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****121****FAO-1622-2022 (O&M)****Date of decision: 26.08.2025****Satya Devi and others****...Appellant(s)****Vs.****Daljit Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Gurmeet Singh Bajwa, Advocate
for the appellants through V.C.

NIDHI GUPTA, J.

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.12,41,800/- awarded by the learned Motor Accident Claims Tribunal, Hoshiarpur (hereinafter referred to as "the learned Tribunal") vide Award dated 01.10.2021 passed in MAC Petition No. 82 dated 30.10.2019 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The 4 claimants are the 52-year-old widow; 29-year-old son; 35-year-old son; and 25-year-old daughter of the deceased Kuldip Singh Sidhu.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Kuldip Singh Sidhu had died due to the injuries suffered by him in a motor vehicular accident that took place on 30.07.2019 due to the rash and negligent driving of a Mahindra Bolero Maxi Truck bearing



registration No.PB-10-DZ-7625 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The learned Tribunal awarded the above said compensation along with interest @ 6% per annum. All the respondents were held liable to pay the said compensation jointly and severally.

3. Learned counsel for the appellants submits that the compensation paid to the appellants deserves to be enhanced in view of the fact that the income of the deceased has been taken on the lower side as only Rs.20,800/-p.m. It is submitted that besides the fact that the deceased was retired from State Bank of India and was getting pension of Rs.15,000/- p.m., he was also having agricultural land measuring 3 killa from which he was deriving income. Even further, deceased was a practising Advocate in District Courts, Hoshiarpur, from which he was earning Rs.15,000/- p.m. Therefore, income of the deceased from all sources was around Rs.80,000/- p.m.; whereas the learned Tribunal has taken income of the deceased as only Rs.20,800/- p.m. which is on the lower side.

4. It is further submitted that multiplier of 7 has also been wrongly applied, the same should have been on the higher side. Even no future prospects have been awarded. Even less amount of Rs.50,000/- has been granted on account of loss of love and affection. Only Rs.16,500/- has been granted for funeral expenses; whereas the same ought to have been Rs.50,000/-. Interest has been given only @ 6% p.a.; whereas the same should have been at least 9% p.a.



5. It is accordingly prayed that present Appeal be allowed; and the compensation be enhanced.

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

7. I have heard Id. Counsel and perused the case file in detail.

8. I find no merit whatsoever in the submissions made on behalf of the appellants. It is the own case of the appellants that the deceased was pensioner from State Bank of India and was getting monthly pension of Rs.15,800/-p.m. as evident from pension slip for July 2019 Ex.A10 and account statement Ex.A11. As per Jamabandi for the year 2017-18 Ex.A4, deceased was having 21K 10M of land. However, it is well established position in law that no loss of agricultural income accrues to the legal heirs as agricultural land of the deceased devolved upon the LR/claimants herein. Yet, learned Tribunal had taken agricultural income of the deceased as Rs.5,000/- p.m. Although it has been contended by learned counsel for the appellants that the deceased was practising Advocate, however, the record reveals that identity card of the deceased as Advocate Ex.A8 was issued only on 01.04.219 i.e. just about 3 months prior to the accident. Even the appellants were unable to prove that the deceased had earned any income as an Advocate. In these circumstances, learned Tribunal had assessed income of the deceased as Rs.20,800/- p.m. which is already on the higher side as, as noted above, there is no loss of income from agricultural land.

9. As noted above, 4 claimants are the widow and 3 major children of the deceased. Accordingly, learned Tribunal had correctly



made deduction of 1/3rd towards personal expenses. Age of the deceased was admittedly 62 years at the time of death. Thus, as per law laid down by Hon'ble Supreme Court, no addition was to be made towards future prospects; and multiplier of 7 was correctly applied. Under conventional heads, learned Tribunal had further awarded Rs.44,000/- towards loss of consortium; Rs.16,500/- towards loss of estate; and Rs.16,500/- towards funeral expenses alongwith interest @ 6% p.a.; thereby granting total compensation of Rs.12,41,800/-.

10. 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 Vs. Jasbir Kaur"*** Law Finder Doc ID # 64043 and ***"Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty and another"*** (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 case of ***"General Manager, KSRTC Vs. Susamma Thomas and others"*** (1994) 2 SCC 176, the Hon'ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.



11. Further, a 3-Judge Bench judgment of the Hon'ble Supreme Court in the case of ***“Reshma Kumari v. Madan Mohan (SC) 2013(5) Scale 160; Law Finder Doc ID # 421379;*** holding that: *“Motor Vehicles Act, 1988, Section 168 - Section 168 provides that amount of compensation awarded by the Claims Tribunal which appears to it to be just - The expression, 'just' means that the amount so determined is fair, reasonable and equitable by accepted legal standards and not a forensic lottery - Obviously 'just compensation' does not mean 'perfect' or 'absolute' compensation - The just compensation principle requires examination of the particular situation obtaining uniquely in an individual case.”*

12. Accordingly, the present appeal is hereby **dismissed**.

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

26.08.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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