

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****231****FAO-2988-2019 (O&M)****Date of decision: 31.01.2025****Smt. Nirmala and others****...Appellant(s)****Vs.****Rajbir Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Rahul Vats, Advocate for the appellants.***********NIDHI GUPTA, J.**

The present appeal has been filed by the 3 claimants seeking enhancement of compensation of Rs.11,41,320/- awarded by the Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as 'the Tribunal') vide Award dated 02.01.2019 passed in MACT Case No. 73 dated 15.05.2018 filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act'). The 3 claimants before the learned Tribunal were the mother, and 2 brothers aged 30 and 25 years respectively, of the deceased Sunil, who was stated to have been about 24 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of the pleadings and evidence adduced before it, concluded that the deceased Sunil had died due to the injuries suffered by him in a motor vehicular accident that took place on 29.03.2018, at about 04.30 a.m. due



to the rash and negligent driving of a canter bearing registration No. HR-67A/1498 (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 learned Tribunal awarded compensation as above alongwith interest @ 9% per annum from the date of institution of the petition till final realization. All the respondents were held jointly and severally liable to pay the said compensation. Vide the impugned Award, the claim petition was partly allowed and was dismissed qua the claimants No. 2 and 3/brothers of the deceased Sunil, being the elder married brothers of the deceased as they were not shown/ found to be dependant upon the income of the deceased.

3. Learned counsel for the appellants seeks enhancement of compensation on the singular ground that the learned Tribunal has taken the income of the deceased on the lower side as only Rs.7,500/-p.m., whereas the same ought to have been taken as Rs.11,392/-p.m.

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

5. I have heard learned counsel for the appellants and perused the case file in great detail.

6. Perusal of the record of the case shows that the learned Tribunal determined the age of the deceased to be about 23 years of age at the time of accident on the basis of his secondary examination certificate. It was the claimants' case that the deceased was working as Plant Operator-Production with a company named Zydus, Cadila Healthcare Ltd. and was getting total salary of Rs.11,392/- p.m. It is the contention of the appellants



that in calculating the compensation, the gross income of the deceased of ₹11,392/- per month ought to have been considered. However, I find the said argument of the appellants to be misplaced as in assessing the income of the deceased, the learned Tribunal had correctly taken into consideration the net pay of the deceased which was admittedly Rs.7,350/-p.m. rounded off to Rs.7,500/- p.m. after deduction of dearness allowance etc.

7. Further, as the deceased was about 23 years of age, the learned Tribunal correctly made an addition of 40% towards future prospects i.e. Rs.7,500+Rs4,060 (40% future prospects)=Rs.10,290/- p.m. A deduction of 1/3rd was made towards the personal and living expenses, thus, assessing the monthly income to be Rs.5,145/- p.m. In actual fact, the said deduction ought to have been 50% as the deceased was admittedly, a bachelor at the time of accident. Multiplier of 18 was correctly applied. Further, an amount of Rs.15,000/- each was granted towards loss of estate and funeral expenses. Thus, the total compensation of Rs.11,41,320/- (Rs.5145 x 12 x 18 =11,11,320 + 30,000) was awarded.

8. From the above facts, it is clear that a very just and fair compensation has been awarded to the claimants. Accordingly, in view of the discussion above, I find no case is made out that merits interference with the impugned Award. The 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. 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. Thus, all that has to be determined in the facts of a given case is, that the compensation accorded is ‘just’. In my considered view, in the present case, the learned Tribunal has awarded a very ‘just’ compensation, which is in accordance with the law laid down by the Hon’ble Supreme Court and therefore, does not warrant the interference of this Court.

9. In view of the above, present appeal is **dismissed**.
10. Pending application(s) if any also stand(s) disposed of.

31.01.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

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