



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

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FAO-2093-2023 (O&amp;M)

Date of decision: 23.09.2025

Rajbala Devi and another

...Appellant(s)

Vs.

Jitender Singh and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Jyotsna Saini, Advocate for  
Mr. Ashish Yadav, Advocate  
for the appellants.

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NIDHI GUPTA, J.CM-7796-CII-2023

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 CPC is for condonation of delay of 81 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant-appellant No.1, the same is allowed and delay of 81 days in filing the appeal is condoned.

FAO-2093-2023 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.38,62,800/- awarded by the learned Motor Accident Claims Tribunal, Gurugram (hereinafter referred to as "the learned Tribunal") vide Award dated 01.10.2022 passed in MACT Case No.



11A dated 19.01.2020 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as “the Act”). The two claimants are the 45-year-old mother and 44-year-old father of the deceased Anil Kumar, who was 25 years old at the time of accident.

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-Anil Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 22.09.2019 at about 8 p.m. due to the rash and negligent driving of a Maruti Vitara Brezza bearing registration No.HR-26-DM-1013 (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 @ 7% per annum. All the respondents were held liable to pay the said compensation jointly and severally.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that at the time of his death, the deceased was working as Engineer in Quality Department. Therefore, future prospects should have been awarded @ 50%; whereas the same have been awarded only @ 40%. Learned counsel further submits that even the rate of interest is on the lower side as 7% p.a.; whereas the same should be 18%. He, accordingly, prays that the present Appeal be allowed; and compensation of Rs.1 Crore be awarded to the appellants.



4. No other argument is raised on behalf of the appellants. I have heard Id. Counsel and perused the case file in detail. I find no merit whatsoever in the submissions made on behalf of the appellants.

5. Perusal of the record shows that it was the pleaded case of the appellants before the learned Tribunal that deceased was 25 years old and was working as a 'Quality Assurance' with 'Ask Automotives Private Limited', Gurugram and earning about Rs.42,438/- p.m. In support of their contention, appellants had produced PW1 Rajpal, Senior Executive of the said Company, who had deposed that the deceased was working in their Quality Department as an Engineer. PW1 had further brought on record the details of the salary of the deceased as Ex.P1 including salary slips 'Mark A' and 'Mark B', perusal of which showed that the deceased was drawing salary of only Rs.24,819/- p.m. As such, learned Tribunal has correctly taken income of the deceased to be Rs.24,819/- p.m.

6. Further, age of the deceased was determined to be 25 years on the basis of his Driving Licence 'Mark C'; wherein his date of birth is mentioned as 04.10.1994. Accordingly, learned Tribunal has correctly made an addition of 40% towards future prospects. Argument of the appellants that future prospects ought to have been added @ 50% is ill founded as future prospects @ 40% have been correctly added by the learned Tribunal in conformity with the judgment of Hon'ble Supreme Court in "**Sarla Verma Vs. Delhi Transport Corporation**" **Law Finder Doc ID # 188882**; thereby calculating monthly income to be Rs.34,747/- (Rs.24,819+ Rs.9,928). As the deceased was bachelor at the time of



accident, deduction of 50% was correctly made towards personal and living expenses; thereby calculating monthly income of the deceased to be Rs.17,374/- (Rs.34,747-Rs.17,373); or Rs.2,08,488/-p.a. (Rs.17,374/- x 12). As the deceased was 25 years old, multiplier of 18 was correctly applied; thereby calculating compensation amount to be Rs.37,52,784/- (Rs.2,08,488 x 18). The learned Tribunal had further awarded a sum of Rs.40,000/- each to both the claimants towards filial consortium; as also Rs.15,000/- towards loss of estate; and Rs.15,000/- towards funeral expenses; thereby granting total compensation of Rs.38,62,784/- (Rs.37,52,784 + Rs.30,000+ Rs.80,000), rounded off to Rs.38,62,800/-. Grant of interest @ 7% is discretionary, and I find no error in the same.

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 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 ***"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 compensation.

8. Keeping in view the above factual and legal position, no ground is made out to interfere in the impugned Award. The present Appeal is hereby **dismissed**.

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

23.09.2025

Divyanshi

(NIDHI GUPTA)  
JUDGE

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