

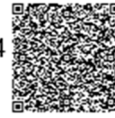
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****124****FAO-2315-2023(O&M)****Date of decision: 11.08.2025****Richa Nirola & Others****...Appellant(s)****Vs.****Bhagwan Singh & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mrs. Gurnam Kaur Turka, Advocate
for the appellants.

*********NIDHI GUPTA, J.**

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.80,08,736/- awarded by the Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'the Tribunal'), vide Award dated 25.11.2022 passed in MACP Case No.206 dated 09.09.2020 filed under Section 166 of the Motor Vehicles Act. The 4 claimants are the widow, 2 minor children, and mother of the deceased namely Puneet Nirola.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Puneet Nirola had died due to the injuries suffered by him in the motor vehicular accident that took place on 14.07.2020 due to the rash and negligent driving of truck bearing registration No.PB-11-AX-9349 (hereinafter "the offending vehicle") by respondent No.1. The offending vehicle was owned by respondent No.2 and insured by respondent No.3. The afore-said compensation has been awarded along with interest @ 7% per annum from the date of application till the date of realisation. The



respondents were held jointly and severally liable to pay the compensation. It is further directed that respondent No.3-Insurance Company shall make the payment to the claimants and shall have recovery right as respondent No.1 was not having valid and effective driving licence at the time of accident.

3. Learned counsel for the appellants seeks enhancement of compensation of Rs.80,08,736/- by submitting that as per the 6th Pay Commission, which had been implemented on 01.01.2016, salary of the deceased had been enhanced. As such, enhanced salary of the deceased ought to have been taken into consideration while calculating the compensation. The second and last ground on which compensation enhancement is sought is that the deceased was 40 years old at the time of accident. Therefore, multiplier of 15 should have been applied, whereas the learned Tribunal has applied multiplier of 14. Learned counsel accordingly prays that the impugned Award be modified.

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

5. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions made on behalf of the appellants.

6. A perusal of the record shows that at the time of accident, the deceased was working as Junior Assistant in the Office of Chief Engineer, Punjab PWD B&R, Patiala and drawing gross salary of Rs.47,823/-. Admittedly, 6th Pay Commission had been implemented vide Government Notification dated 05.07.2021 and made effective from 01.01.2016; whereas the date of accident is 14.07.2020. Thus, 6th Pay Commission had been implemented after the accident. As such, I find no error in the income of Rs.47,823/- as assessed by the Id. Tribunal on the basis of Salary Certificate (Ex.C1) and Salary Statement (Ex.C2).

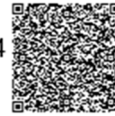
7. Further, it is not denied by learned counsel for the appellants that pursuant to the death of Puneet Nirola, his wife Richa Nirola/claimant No.1 has been accorded employment on compassionate ground; and at the time of passing of Award, she was drawing salary of Rs.19,900/-. Despite



repeated Court queries, learned counsel for the appellants has not informed this Court as to the amount of gratuitous payment made by the State to the appellants upon the death of Puneet Nirola; which is to be deducted from the amount of compensation in terms of recent judgment of Hon'ble Supreme Court in **Krishna v. Tek Chand, (SC) : Law Finder Doc ID # 2531576**, wherein it is held that the family of a deceased in a motor accident cannot seek "double benefits". If the family has received benefits from the State Government on account of the death of the deceased, then such benefits are liable to be deducted from the compensation payable under the Motor Vehicles Act. Accordingly, in fact, the salary being drawn by the claimant no.1 ought to be deducted from the compensation awarded to the appellants.

8. It has next been submitted by Id. counsel for the appellants that multiplier of 15 ought to have been applied, whereas the learned Tribunal has applied multiplier of 14. Even the said argument is to be rejected. Date of birth of the deceased was proven to be 27.11.1979 as per Ex.C8, copy of Driving Licence; whereas accident had taken place on 14.07.2020. Therefore, on the date of accident, the deceased was above 40 years old. As such, the learned Tribunal has correctly applied multiplier of 14.

9. Therefore, from the above discussion, it follows that the learned Tribunal has correctly taken income of the deceased as Rs.47,823/-. As the deceased was above the age of 40 years, learned Tribunal has correctly made an addition of 30% towards future prospects thereby calculating monthly income to be Rs.62,170/- (Rs.47,823/- + 30%). As there were 4 claimants, deduction of $\frac{1}{4}$ th has been correctly made. Thereby taking monthly dependency to be Rs.46,427/-; and annual dependency to be Rs.5,57,124/- (Rs.46,427/- x 12). Multiplier of 14 was correctly applied; thus, compensation amount was calculated to be Rs.77,99,736/- (Rs.5,57,124/- x 14). Learned Tribunal has further awarded Rs.44,000/- towards spousal consortium; Rs.44,000/- each i.e. total of Rs.88,000/- towards loss of parental consortium; and Rs.44,000/- towards filial consortium to claimant No.4. Learned Tribunal



further awarded Rs.16,500/- towards loss of estate and Rs.16,500/- towards funeral expenses; thereby granting total compensation of Rs.80,08,736/-.

10. Keeping in view the entire facts and circumstances of the case, 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 my considered view, in the present case, the 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. 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.

11. In view of the above, present appeal is **dismissed**.

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

11.08.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No