

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****123****FAO-2203-2024(O&M)****Date of decision: 11.11.2025****Balwinder Kaur & Another****...Appellant(s)****Vs.****Deepak Kumar & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Rajeev Dev Sharma, Advocate
for the appellants.

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

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.81,33,528/- awarded by the Motor Accident Claims Tribunal, Gurdaspur (hereinafter 'the learned Tribunal') vide Award dated 13.02.2024 passed in MACP/70/2020 dated 08.09.2020 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 2 claimants are the widow and 24-year-old daughter of deceased Dalwinder Singh, who was 50 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 Dalwinder Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 25.08.2019 due to the rash and negligent driving of Mini Van bearing registration No.PB-



06-V-2613 (hereinafter “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 @ 6% per annum. Respondent No.3 was directed to make payment of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that meagre amount has been granted under the conventional heads; and interest should be given from the date of institution of Claim Petition i.e. 08.09.2020.

4. No other argument is made on behalf of the appellants. I have heard learned counsel and perused the case file in detail.

5. Perusal of record of the case shows that it was the pleaded case of the appellants that at the time of accident, the deceased was employed as Head Constable in Punjab Police and was drawing salary of Rs.58,771/- per month. Accordingly, compensation of Rs.1,50,00,000/- had been prayed for.

6. Learned Tribunal on the basis of Salary Certificate for the month of July 2019 (Ex.C3) had taken income of the deceased as Rs.58,717/- per month. Employment of the deceased as Head Constable was proved from the evidence of CW3 Gursharanjit Singh, Belt No.3363/ASR. Age of the deceased was proved to be 50 years from his Post-Mortem Report (Ex.C2). Accordingly, learned Tribunal had correctly made addition of future prospects @ 30%. As there were 2 claimants, deduction of 1/3rd towards personal expenses was also correctly made. Multiplier of 13 was also correctly applied. Learned



Tribunal had further awarded Rs.40,000/- each to both the claimants towards loss of consortium; Rs.15,000/- towards funeral expenses. Learned Tribunal had further awarded Rs.1 lakh towards loss of love and affection. Needless to say, as per the formula enunciated by the Hon'ble Supreme Court, the said amount was not payable to the appellants. Therefore, it is grossly incorrect for the appellants to submit that meagre amount has been awarded under the conventional heads; whereas amount already in excess of what is admissible as per law, has been awarded to them. Learned Tribunal granted compensation in the following manner:-

Head	Amount
Monthly income	Rs.58,717/-
30% to be added as future prospects	Rs.58,717/- + Rs.17,615/- = Rs.76,332/- per month
Annual income	Rs.9,15,984/- (Rs.76,332/- x 12)
1/3 rd to be deducted towards personal expenses	Rs.9,15,984/- - Rs.3,05,328/- = Rs.6,10,656/- per annum
Multiplier	Rs.6,10,656/- x 13 = Rs.79,38,528/-
Loss of love and affection	Rs.1 lakh
Funeral expenses	Rs.15,000/-
Loss of consortium	Rs.80,000/-
Total	Rs.81,33,528/-

7. The present appeal accordingly stands **dismissed**.

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

11.11.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No