

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****113****FAO-3524-2021 (O&M)****Date of decision: 28.10.2025****Chanderpati****...Appellant(s)****Vs.****Parmod @ Kala and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Jai Bhagwan Sharma, Advocate for
the appellant.

NIDHI GUPTA, J.**CM-14356-CII-2021**

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 CPC is for condonation of delay of 29 days in filing the appeal.

2. Heard.

3. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant/appellant, the same is allowed and delay of 29 days in filing the appeal is condoned.

FAO-3524-2021 (O&M)

The present appeal has been filed by the claimant No.1 seeking enhancement of compensation of Rs.19,45,000/- awarded by the learned Motor Accident Claims Tribunal, Jind (hereinafter referred to as "the learned Tribunal") vide Award dated 25.11.2019 passed in MACP Case No.



22 dated 08.05.2018 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as “the Act”). The three claimants before the learned Tribunal were mother, brother, and sister of the deceased Sandeep, who was 24 years old at the time of accident. However, the present appeal has been filed only by claimant No.1/mother of the deceased; and claimants No. 2 and 3 i.e. brother and sister of the deceased respectively are perform respondents No. 4 and 5 herein.

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-Sandeep had died due to the injuries suffered by him in a motor vehicular accident that took place on 23.02.2018 due to the rash and negligent driving of a Car bearing registration No.HR12AA-3893 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The Tribunal awarded the above compensation along with interest @ 9% per annum. All the respondents were held liable to pay the said compensation jointly and severally.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that the income of the deceased has been assessed on the lower side as only Rs.12,500/-p.m. It is submitted that the deceased was a Technical Expert and was doing welding work at Julana city; from where he was earning Rs.18,500/-p.m. As such, income of the deceased has been taken on the lower side. Furthermore, deduction of 50% has been incorrectly made and the same should be 1/3rd as the



claimants were 3 in number. Even love and affection should be enhanced upto Rs.2 lacs; and transportation charges should be Rs.25,000/-. Rate of interest is also on the lower side as 9% p.a.; whereas the same should be 12% p.a. He accordingly prays that the present appeal be allowed; and the compensation be enhanced in the above terms.

4. No other argument is raised on behalf of the appellant. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellant.

5. Perusal of the record of the case shows that it was the pleaded case of the appellant that the deceased used to do work of welding at Julana and was earning Rs.18,500/- p.m. However, the claimants had failed to adduce any evidence whatsoever in order to remotely prove either the avocation or even the income of the deceased. The claimants produced no documentary evidence to prove that the deceased was working as Welder and earning Rs.18,500/- p.m. Accordingly, learned Tribunal had taken income of the deceased as Rs.12,500/- p.m. as that of a casual labourer. Further, age of the deceased was proved to be 24 years on the basis of Postmortem Report Ex.P2. Accordingly, learned Tribunal had made addition of 40% towards future prospects; thereby calculating his monthly income to be Rs.17,500/- (Rs.12,500 + Rs.5,000). Admittedly, the deceased was a bachelor at the time of accident, accordingly, learned Tribunal had correctly made deduction of 50% towards personal expenses; thereby calculating monthly income to be Rs.8,750/-. As deceased was 24 years old, multiplier of 18



was correctly applied; thereby calculating total compensation to be Rs.18,19,000/- (Rs.8,750 x 12 x 18). Learned Tribunal has further awarded consortium of Rs.40,000/-; and Rs.15,000/- towards transportation and funeral expenses only to claimant No.1; thereby granting total compensation of Rs.19,45,000/-. I find no error in the same.

6. From the above facts, it is clear that a very just and fair compensation has been awarded to the appellant. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellant. 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.

7. 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**"; has held 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."

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 accordingly **dismissed**.

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

28.10.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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