

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****131****FAO-2862-2024 (O&M)****Date of decision: 11.09.2025****Smt. Rajpati and others****...Appellant(s)****Vs.****Rana and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Ashok K. Sharma (Bhana), Advocate
for the appellants.

NIDHI GUPTA, J.

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.14,59,800/- awarded by the Motor Accident Claims Tribunal, Jind (hereinafter "the learned Tribunal") vide Award dated 29.02.2024 passed in MACP No.14 dated 27.02.2020 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 3 claimants are 42-year-old widow; 18-year-old daughter; and 20-year-old son of deceased Bhagwan Dass, who was 47 years old at 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-Bhagwan Dass had died due to the injuries suffered by him in a motor vehicular accident that took place on 17.10.2019 due to the rash and negligent driving of Super Carry bearing registration No.HR-56B-0736 (hereinafter "the offending vehicle") being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. Ld. Tribunal



awarded the above said compensation along with interest @ 7.5% per annum. All the respondents were held liable to pay the compensation jointly and severally.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that multiplier applied is on the lower side. Very meagre compensation has been awarded. Income taken is also very less as Rs.10,000/-p.m. although DC rate was Rs.13,850/-p.m. Deduction of 1/3rd is also very high; whereas it should be 1/5th deduction. Nothing is awarded for transportation charges, love and affection, and loss of income.

4. Ld. counsel accordingly prays that the present appeal be allowed; the impugned Award be modified, and compensation enhanced.

5. 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.

6. It was the pleaded case of the appellants in the claim petition that at the time of accident, deceased was 47 years old and was a farmer and milk seller from which he was earning Rs.50,000/-p.m. It has further been pleaded that appellants had spent Rs.30,000/- on transportation and Rs.70,000/- on treatment and last rites. Accordingly, compensation of Rs.50 lacs was prayed for alongwith interest @ 24% p.a.

7. However, a perusal of the record shows that despite the above said averments, no evidence was produced by the appellants to remotely prove that the deceased was a farmer and milk supplier. No



Jamabandi or J-form was produced by the appellants to substantiate their contentions. As such, learned Tribunal had taken income of the deceased as per the median between minimum wages admissible to an unskilled worker and the DC rates. It was noted that the minimum wages for unskilled labour as per Government Notification was Rs.9024.24; whereas DC rate was Rs.13,850/-. Accordingly, income of the deceased was assessed to be Rs.10,000/-p.m. I find no error in the same.

8. Further, age of the deceased was taken as 47 years as per the pleaded case of the appellants. Accordingly future prospects were added @ 25%; and multiplier of 13 was correctly applied. As there were 3 claimants, deduction of 1/3rd was correctly made towards personal expenses. A sum of Rs.1,50,000/- was awarded under the conventional heads. Further, Rs.9,800/- was awarded under the treatment expenses. Accordingly, Tribunal had granted compensation in the following manner:-

Sr. No.	Heads	Calculation (in Rs.)
(i)	Loss of dependency (Rs.1,00,000/- x 13)	Rs.13,00,000/-
(ii)	Funeral and last rites etc. expenses	Rs.15,000/-
(iii)	Loss of Estate	Rs.15,000/-
(iv)	Loss of consortium to petitioner no.1 being wife.	Rs.40,000/-
	Loss of filial consortium to petitioner no.2 and 3 being daughter and son	Rs.80,000/-
(v)	Treatment expenses	Rs.9,800/-
	Total	Rs.14,59,800/-

9. 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.

10. Thus, no ground is made out to interfere in the impugned Award. Accordingly, the present appeal is hereby **dismissed**.

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

11.09.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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