



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 10.12.2025

FAO-6216-2024(O&M)

Meena Devi & Others

...Appellant(s)

Vs.

Gurjeet & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Shivam Singh Chauhan, Advocate for
Mr. Ashok Kumar Khubbar, Advocate
for the appellants.

NIDHI GUPTA, J.CM-23336-CII-2024

This is an application under Section 151 CPC for condonation of delay of 126 days in re-filing the appeal.

After going through the contents of the application, which is supported by affidavit of learned counsel for the appellants, the same is allowed subject to all just exceptions and delay of 126 days in re-filing the present appeal is condoned.

CM-23337-CII-2024

This is an application under Section 5 of the Limitation Act for condonation of delay of 55 days in filing the appeal.



After going through the contents of the application, which is supported by affidavit of appellant No.1, the same is allowed subject to all just exceptions and delay of 55 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.21,20,000/- awarded by the Motor Accident Claims Tribunal, Jind (hereinafter 'the learned Tribunal') vide Award dated 09.02.2024 passed in MACP Case No.285 dated 15.12.2020 filed under Sections 166 and 140 of the Motor Vehicles Act (hereinafter "the Act"). The 5 claimants are the widow, three minor children, and mother of deceased Randhir, who was 36 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 Randhir had died due to the injuries suffered by him in a motor vehicular accident that took place on 27.09.2020 due to the rash and negligent driving of Truck bearing registration No.HR-38-M-8351 (hereinafter referred to as "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 @ 7.5% per annum. The respondents were held jointly and severally liable for payment of compensation amount.



3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.10,000/- per month. It is submitted that it was the clear pleaded case of the appellants that deceased was a mason by profession and was earning Rs.25,000/- per month. It is further submitted that less amounts have been awarded to the claimants for funeral and last rites and loss of estate. Even under the conventional heads, less amount has been awarded. It is also submitted that the claimant No.1/widow is in need of money to raise children. Hence, learned Tribunal should have disbursed their share of compensation to the claimant No.1 itself. Accordingly prayed that the impugned award be modified as above.

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

5. Although it was the pleaded case of the appellants before the learned Tribunal that deceased was working as a Mason and earning Rs.25,000/- per month, however, the appellants had produced no evidence whatsoever to prove their said contention. Accordingly, the learned Tribunal had taken income of the deceased as Rs.10,000/- per month by considering the Minimum Wages as per DC Rates. I find no error in the same. No doubt, work of the deceased was of the disorganised sector. However, claimants



could have examined at least one of the contractors, and other such persons with whom the deceased had worked.

6. Further as per averment made in the Claim Petition as also oral evidence of claimant No.1, age of the deceased was determined to be 36 years. Accordingly, the Tribunal had correctly made addition of 40% towards future prospects; and correctly applied multiplier of 15. As there were 5 claimants, Tribunal had correctly made deduction of 1/4th towards personal expenses. The Tribunal had further awarded Rs.15,000/- towards loss of estate; Rs.15,000/- towards funeral expenses; and also granted Rs.40,000/- to each of the five claimants towards loss of consortium; thereby awarding compensation in the following manner:-

Head	Amount
Loss of dependency (Rs.1,26,000/- x 15)	Rs.18,90,000/-
Funeral and last rites etc.	Rs.15,000/-
Loss of estate	Rs.15,000/-
Loss of consortium to claimant No.1 being widow	Rs.40,000/-
Loss of filial consortium to claimants No.2 to 4, being minor sons and claimant No.4 being mother (Rs.40,000/- each)	Rs.1,60,000/-
Total	Rs.21,20,000/-

7. Further, the learned Tribunal has correctly directed that compensation be disbursed to the claimants, in the following manner:-

“Out of the awarded amount 40% i.e. amount shall be paid to petitioner no.1 Meena, being widow and 15% each of awarded



amount be paid to petitioners no.2 to 4 Ankit, Sugam and Sachin, being sons and 15% of awarded amount be paid to petitioner no.5 Chander Devi, being mother.”

8. From the above facts, it is clear that a very just and fair compensation has been awarded 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. Mahadeva 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 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.

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

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

10.12.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No