



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-4219-2024 (O&M)

Date of decision: 30.10.2025

Lakshmi and others

...Appellant(s)

Vs.

Mitar Pal and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Arnav Mittal, Advocate and
Ms. Stuti S. Mittal, Advocate
for the appellants.

Mr. Dinesh Kumar Prajapati, Advocate
for respondent No.3-Insurance Co.

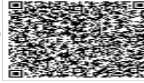
NIDHI GUPTA, J.CM-15442-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 69 days in filing the accompanying appeal.

2. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant/appellant No.1, the same is allowed and delay of 69 days in filing the appeal is condoned.

FAO-4219-2024 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.14,87,074/- awarded by the learned Motor Accident Claims Tribunal, Karnal (hereinafter referred to as "the learned Tribunal") vide Award dated 01.02.2024 passed in MACP Case No.

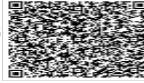


151 dated 06.08.2019 filed under Sections 166 and 140 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The three claimants are the parents; and major sister of the deceased Sachin, who was 22 years old at the time of accident.

2. Vakalatnama filed on behalf of respondent No.3 in Court today is taken on record.

3. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Sachin had died due to the injuries suffered by him in a motor vehicular accident that took place on 15.06.2019 at about 07:30 p.m. due to the rash and negligent driving of a Car bearing registration No.HR06-AP-3492 (hereinafter "the offending vehicle") being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The learned Tribunal awarded the above said compensation along with interest @ 9% per annum. Respondents No.1 and 2 were held liable to pay the said compensation which was to be discharged by respondent No.3-insurer.

4. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on lower side as only Rs.8,827/- p.m.; whereas the deceased was working as helper at Offshore Infrastructure, Panipat Refinery Complex, Panipat and was earning Rs.12,000/- p.m. approximately. Nothing has been awarded by way of future prospects. It is further submitted that learned Tribunal has failed to grant 10% increase on conventional heads. It is also



submitted that interest has been awarded only @9% p.a., whereas it should be 12% p.a.

5. It is accordingly prayed that present Appeal be allowed; and the awarded compensation be enhanced in the above terms.

6. *Per contra*, learned counsel for respondent No.3-Insurance Company opposes submissions made on behalf of the appellants and submits that the impugned Award suffers from no infirmity as the compensation awarded to the appellants is just and fair. Hence, the present appeal deserves to be dismissed.

7. No other argument is raised on behalf of the parties. I have heard Id. Counsel and perused the case file in great detail. I find no merit whatsoever in the submissions made by learned counsel for the appellants.

8. It has firstly been submitted by learned counsel for the appellants that income of the deceased should be taken as Rs.12,000/- p.m. as the deceased was working as helper at Offshore Infrastructure, Panipat Refinery Complex, Panipat. However, perusal of the record shows that the appellants had failed to produce any evidence whatsoever to prove the alleged income of the deceased; and had even failed to produce any cogent evidence in respect of the alleged employment of the deceased. In these circumstances, learned Tribunal had taken income of the deceased as that of unskilled labourer as Rs.8,827/- p.m. I find no error in the same. It is further contended that nothing has been awarded by way of future prospects. The said contention of the appellants is

factually incorrect as Age of the deceased was proved to be 20 years at the time of accident as per copy of Aadhar Card Ex.P36. Accordingly, 40% was added towards prospects and multiplier of 18 was correctly applied. As the deceased was bachelor at the time of accident, deduction of 50% was correctly made. Appellants had produced medical bills for a total amount of Rs.42,428/-, which was duly reimbursed by learned Tribunal. Learned Tribunal had also granted Rs.15,000/- towards loss of estate; Rs.15,000/- towards funeral expenses; and Rs.40,000/- each to claimants No.1 and 2 as filial consortium. Accordingly, Tribunal had awarded compensation in the following manner:

Sr.No.	Heads of claim	Tribunal Claim amount
1.	Monthly income	Rs.8,827/- p.m.
2.	Annual income	Rs.8,827 x 12 = Rs.1,05,924/- p.a.
3.	Addition of future prospects @ 40%	Rs.1,48,294/- (Rs.1,05,924/- + Rs.42,370/-) p.a.
4.	Deduction of 50% towards personal expenses	Rs.74,147/- (Rs.1,48,294- Rs.74,147/-)
5.	Multiplier of 18	Rs.74,147 x 18 = Rs.13,34,646/-
6.	Loss of estate	Rs.15,000/-
7.	Funeral expenses	Rs.15,000/-
8.	Medical bills	Rs.42,428/-
9.	Filial Consortium to claimants No.1 and 2	Rs.40,000/- each
	Grand Total	Rs.14,87,074/-

9. There is nothing on record to show that claimant No. 2 and 3 were dependent upon the deceased. In any event, Claimant No.3 being major sister of the deceased would first be dependent upon her father/claimant No.2.



10. 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. 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 case of **KSRTC Vs. Susamma Thomas 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. 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**.

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

30.10.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

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