



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-3238-2023 (O&M)
Date of decision: 09.09.2025

Rajinder Kaur

...Appellant(s)

Vs.

Rajinder Singh and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sanjeev Kumar Banga, Advocate
for the appellant.

NIDHI GUPTA, J.

CM-11156-CII-2023

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 87 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, the same is allowed and delay of 87 days in filing the accompanying appeal is condoned.

CM-11157-CII-2023

Prayer in this application filed under Section 151 CPC is for condonation of delay of 129 days in refiling the accompanying appeal.

2. For the reasons mentioned in the application which is duly supported by an affidavit of learned counsel of the applicant/appellant,



the same is allowed and delay of 129 days in refiling the accompanying appeal is condoned.

FAO-3238-2023 (O&M)

The present appeal has been filed by the claimant seeking enhancement of compensation of Rs.15,31,000/- awarded by the learned Motor Accident Claims Tribunal, Shaheed Bhagat Singh Nagar (hereinafter referred to as “the learned Tribunal”) vide Award dated 02.03.2022 passed in MACP Case No. 08 dated 17.02.2021 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as “the Act”). The sole claimant/appellant is the mother of the deceased Mandeep Kaur, who was 31 years old at the 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-Mandeep Kaur had died due to the injuries suffered by her in a motor vehicular accident that took place on 05.02.2021 due to the rash and negligent driving of a Tipper bearing registration No.PB-10-FF-0374 (hereinafter “the offending vehicle”) being driven by respondent No.2; owned by respondent No.1; and insured by respondent No.3. The learned Tribunal awarded the above said compensation along with interest @ 7.5% 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 taken on the lower side as only Rs.10,000/-p.m.; whereas deceased was



having a diploma in Fashion Designing and was doing work of tailoring and also running a boutique under the name of Mandeep Boutique and Beauty Parlour from which she was earning Rs.15,000/- p.m. Moreover, the deceased was sole source of income for the claimant. Deceased was also 30 years old and was rendering services to the family worth Rs.15,000/-p.m. Therefore, income of the deceased has been taken on the lower side. It is further submitted that Claimant had spent Rs.60,000/- on the transportation of the dead body. Moreover, rate of interest is also on the lesser side as only 7.5% p.a.; whereas it should be 9% p.a. Further, the learned Tribunal has not awarded any compensation under the head of loss of estate; or under the head of loss of love and affection; and even lesser compensation has been awarded for loss of consortium.

4. It is accordingly prayed that present Appeal be allowed; the Award be modified; and the awarded compensation be enhanced as above.

5. 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 made on behalf of the appellant.

6. Appellant had produced and proved on record Certificate of Training dated 08.10.2011 issue to the deceased in Fashion Designing by Government of India, Ministry of Micro, Small and Medium Enterprises as Ex.C4. However, the claimant was unable to produce any proof regarding the alleged income of the deceased. Accordingly, learned Tribunal has assessed the notional income of the deceased under the category of



skilled worker as Rs.10,869.72 p.m. on the basis of minimum monthly wages as fixed by the Government of Punjab vide Notification dated 30.11.2021.

7. Further, age of the deceased was proved to be 28 years on basis of her Postmortem Report Ex.C1. Ld. Tribunal had accordingly made an addition of 40% towards future prospects; thereby calculating monthly income to be Rs.15,218/- and annual income to be Rs.1,82,616/-. As the deceased was unmarried, 50% was deducted towards personal expenses; thereby calculating annual income to be Rs.91,308/- p.a. Ld. Tribunal had applied multiplier of 16 and calculated total dependency to be Rs.14,60,928/-. Learned Tribunal had further awarded Rs.30,000/- towards funeral expenses and loss of estate; and Rs.40,000/- towards loss of filial consortium; thereby granting total sum of Rs.15,30,928/- (Rs.14,60,928/-+Rs.30,000/- + Rs.40,000/-) rounded off to Rs.15,31,000/-.

8. 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 ***“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.

9. Further, 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***; holding 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.”*

10. Accordingly, the present appeal is hereby **dismissed**.

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

09.09.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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