

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2025:PHHC:096338



FAO No.1417 of 2016 (O&M)
DECIDED ON: 30th July, 2025

Mamta and others

.....Appellants

VERSUS

Narender Kumar and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE **NIDHI GUPTA.**

Present: Mr. Vikramjeet Singh, Advocate for appellants.

NIDHI GUPTA., J (ORAL)

C.M. No.5076-CII of 2016

This is an application for condonation of delay of 24 days in filing the appeal.

For the reasons stated in the application and after hearing learned counsel for appellant, the application is allowed and delay of 24 days in filing the present appeal is condoned.

Main Case

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.10,97,000/- awarded by the learned Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal') vide Award dated 08.09.2015 passed in MACT Case No. 263 dated 16.12.2014 filed under Section 166 of the Motor Vehicles Act (hereinafter referred to as 'the Act'). The 3 claimants are the widow and parents of the deceased-Satbir.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and merits and documentary evidence adduced before

it concluded that the deceased-Satbir had died due to injuries suffered by him in a motor vehicular accident that took place on 02.10.2014 due to rash and negligent driving of Tractor bearing No.HR-35-H-2766 (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 above said compensation was awarded along with interest at the rate of 9% per annum.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that at the time of accident, the deceased was 22 years of old. It is submitted that the deceased was hale and hearty and studying in B.Sc Ist Year in L.B.S. College, Jaipur. He was brilliant student with bright future and was imparting tuition at Jaipur and earning an amount of Rs.20,000/- per month. It is submitted that despite the above facts and good qualifications of the deceased, Tribunal has taken income of the deceased on the lower side as only Rs.4500/- per month as that of casual labourer. Accordingly, income of the deceased deserves to be enhanced.

4. Learned counsel further contends that nothing has been awarded by way of consortium to the claimants. It is accordingly prayed that the impugned Award be modified in the above terms.

5. I have heard learned counsel for the appellants and perused the case file carefully.

6. I find no merit whatsoever in the submissions made on behalf of appellants. As per the post-mortem report, deceased was 22 years old at the time of accident. As per the evidence on record, the deceased was 10+2 pass; and was only a student of B.Sc first year. Although it has been stated by the claimants that the deceased was imparting tuition and

earning Rs.20,000/-, however, no evidence in this regard was brought on record by the claimants. Thus, at the time of death the deceased was only a young student. As such, in the absence of any evidence regarding income of the deceased, learned Tribunal correctly assessed income of the deceased as Rs.4500/- per month. The record further reveals that as per the law laid down by Hon'ble the Supreme Court in '*Sarla Verma Vs. Delhi Transport Corporation (2009) AIR (SC) 3104, Law Finder Doc ID#188882*' as the deceased was less than 40 years, an addition of 40% is to be made towards future prospects. However, learned Tribunal has allowed 50% increase towards future prospects. Thereby taking his monthly income to be Rs.6750/- (4500+2250). Therefore, compensation in excess has already been awarded to the claimants. Accordingly, annual income of the deceased was calculated to be Rs.81,000/-. Further learned Tribunal took only the claimant No.1/widow and claimant No.3, mother of the deceased as dependents. Claimant No.2, father of the deceased who had shown his age as 38 years was not taken as dependent. Accordingly, learned Tribunal had made deduction of 1/3rd (81000-27000) towards personal expenses thereby calculating the annual income of the deceased to be Rs.54,000/-. Learned Tribunal has further correctly applied multiplier of 18, calculating the compensation amount of Rs.9,72,000/- (54,000 x18).

7. It has further been contended by learned counsel for the appellant that nothing has been awarded towards consortium. However, the said assertion is factually incorrect. Under the conventional heads, learned Tribunal has awarded Rs.25,000/- towards funeral expenses and Rs.1,00,000/- towards loss of consortium, thereby granting total compensation of Rs.10,97,000/-.

8. I find no error in the same.
9. On the contrary it is clear that the compensation in excess of what is permissible to the appellants under law has already been awarded to them in view of the fact that future prospects ought to have been added @ 40%, whereas the same have been added @ 50%. Even consortium has been awarded on the higher side.
10. From the above facts, it is clear that a more than just and fair compensation has been awarded to the appellants. Nothing whatsoever has been shown to this Court that would merit enhancement of compensation granted to the appellants. Accordingly, I find no case is made out that merits interference with the impugned Award. No doubt Chapter-12 of the Act is a beneficial legislation yet, as cautioned by the 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*, 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. In this view of the matter, the present appeal stands **dismissed**.
12. Pending application(s), if any, shall stands disposed of.

30th July, 2025
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(NIDHI GUPTA)
JUDGE