



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

123

FAO-3693-2024 (O&M)

Date of decision: 28.08.2025

Monika

...Appellant(s)

Vs.

Mahesh and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Anjali, Advocate and
Mr. Devender Arya, Advocate
for the appellant

NIDHI GUPTA, J.CM-13443-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 34 days in filing the accompanying appeal.

2. Heard.

3. 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 34 days in filing the accompanying appeal is condoned.

FAO-3693-2024 (O&M)

The present appeal has been filed by the claimant No.1 seeking enhancement of compensation of Rs.16,77,240/- awarded by the learned Motor Accident Claims Tribunal, Narnaul (hereinafter "the learned Tribunal") vide Award dated 03.04.2024 passed in MACP Case No.428 dated 30.08.2019 filed under Sections 166 of the Motor Vehicles Act, (hereinafter "the Act"). The 3 claimants before the Id. Tribunal are the



widow-claimant No.1/present appellant; and parents of the deceased Pawan Kumar.

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-Pawan Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 02.08.2019 due to the rash and negligent driving of Tanker bearing registration No.MP-09HG-3394 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. Claimants No. 2 and 3 are perma respondents herein. 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. The only ground on which the appellant seeks enhancement of compensation is that income of the deceased has been taken on the lower side as only Rs.9,000/- p.m. It is submitted that it was the clear case of the appellant that deceased was working as a Driver having his own vehicle and was also an agriculturist and was earning Rs.25,000/-p.m. It is submitted that in view of the evidence led by the appellant, income of the deceased ought to have been taken as Rs.25,000/-p.m. Even otherwise, as per the relevant Notification issued by the Labour Department, Haryana w.e.f. 01.07.2019, minimum wage admissible to Driver of light motor vehicle w.e.f. 01.01.2019 is Rs.10,729.74 and minimum wage admissible to a skilled worker w.e.f. 01.01.2019 is Rs.10,218.79. It is contended that



accordingly income of the deceased ought to have been taken at least Rs.10,000/- p.m. Learned counsel accordingly prays that the present appeal be allowed; and the impugned Award be modified in the above manner.

4. No other argument is raised on behalf of the appellant.

5. I have heard Id. Counsel and perused the case file in detail.

6. I find no merit whatsoever in the submissions made on behalf of the appellant. Firstly, the impugned Award reveals that no evidence was led by the appellant to prove income of the deceased as Rs.25,000/- p.m. As regards contention of the appellant that deceased was a Driver, and therefore, minimum wage admissible to a driver/skilled worker ought to have been awarded to the deceased, there is no merit to the same. Because except for bald statement of the appellant, there is no evidence to show that the deceased was working as a driver. Merely because deceased was holding a driving license and having his own vehicle would not imply that he was driving on professional basis. At least, nothing has been brought on record to establish this. Even no evidence has been brought on record to show that he was owner of agricultural land. A perusal of the Notification dated 12.09.2019 produced by the appellant shows that minimum wage admissible to an unskilled labourer from 01.01.2019 was only Rs.8827.40 and of semi-skilled labourer was Rs.9268.75. In this situation, I find no error in the income of Rs.9,000/- as assessed by the Id. Tribunal.



7. Further, as per Postmortem Report Ex.P4 of the deceased, the age of the deceased was 26 years. Learned Tribunal had accordingly made an addition of 40% towards future prospects; thereby calculating monthly income as Rs.12,600/- (9000+3600) and annual income as Rs.1,51,200/-. As there were 3 claimants, deduction of 1/3rd was correctly made towards personal expenses; thereby calculating annual dependency as Rs.1,00,800/- (Rs.151200-Rs.50400). Keeping in view age of deceased as 26 years, Id. Tribunal had correctly applied multiplier of 17; thereby calculating total dependency as Rs.17,13,600 (100800 x 17). Id. Tribunal had further awarded Rs.40,000/- to each of the 3 claimants by way of spousal and filial consortium respectively; Rs.15,000/- for funeral expenses; Rs.15,000/- for loss of estate; granting compensation of Rs.18,63,600/- (Rs.1713600 + 40000+40000+40000+15000+15000). However, learned Tribunal had made deduction of 10% on account of negligence of the deceased in causing the accident and had thereby granted total compensation of Rs.16,77,240/- (1863600-186360). The above said compensation of Rs.16,77,240/- was apportioned amongst the claimants in the following manner: -

1. Claimant No.1/appellant was held entitled to Rs.7,77,240/-;
2. Claimant No.2/mother of the deceased was held entitled to Rs.7,00,000/-; and
3. Claimant No.3/father of the deceased was held entitled to Rs.2,00,000/-.



8. It has also been admitted by Id. Counsel for the appellant that she has no additional responsibilities as no child was born of her marriage with the deceased.

9. 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.

10. A 3-Judge Bench judgment of the Hon'ble Supreme Court in ***“Reshma Kumari v. Madan Mohan (SC) 2013(5) Scale 160;*** held 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.”*

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

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

28.08.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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