IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 19.11.2025

FAO-3523-2016(O&M)

Damanpreet Kaur & Another

...Appellant(s)

Vs.

Lakhwinder Singh @ Gora & Others

...Respondent(s)

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CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Palak Jain, Advocate for
Mr. Gopal Sharma, Advocate
for the appellants.

Ms. Manvi Verma, Advocate for
Mr. Rajneesh Malhotra, Advocate
for respondent No.3.

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NIDHI GUPTA, J.

CM-12541-CII-2016

This is an application under Section 5 of Limitation Act for condonation of delay of 75 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of the applicant, the same is allowed subject to all just exceptions and delay of 75 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.47,85,816/- awarded by the Motor

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Accident Claims Tribunal, Ludhiana (hereinafter 'the learned Tribunal') vide Award dated 14.09.2015 passed in MACP-1 dated 05.02.2014 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 2 claimants are the 20-year-old daughter and 16-year-old son of deceased Surinder Kaur/mother of claimants who was 50 years old at time of accident. Father of the appellants was pre-deceased.

2. Brief facts of the case are that the ld. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Surinder Kaur had died due to the injuries suffered by her in a motor vehicular accident that took place on 10.01.2014 due to the rash and negligent driving of truck bearing registration No.PB-13-M-7211 (hereinafter "the offending vehicle") being driven by respondent No.1, owned by respondent No.2, and insured by respondent No.3. The said compensation has been awarded along with interest @ 6% per annum. Respondent No.3-Insurance Company was held liable for payment of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that nothing has been awarded by the learned Tribunal towards future prospects. Even less amount has been awarded towards loss of love and affection, which should be Rs.2 lakh each. Multiplier of 15 ought to have been applied; and funeral expenses of Rs.2 lakh ought to have been awarded. It is contended that even income of the

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deceased has been incorrectly assessed as only Rs.43,854/-. It is contended that it was the clear case of the appellants that besides being a Teacher, the deceased was also doing agricultural work from which she was getting Rs.5,000/- per month. The deceased was also giving tuitions and earning Rs.30,000/- per month. Thus, total income of the deceased from all sources ought to have been taken as Rs.78,854/-. Learned counsel accordingly prays for modification of the impugned Award in the above manner.

4. Ld. counsel for respondent No.3 vehemently opposes the submissions made on behalf of the appellants and submits that the impugned Award suffers from no error; and prays for dismissal of the appeal.

5. No other argument is made on behalf of the parties. 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.

6. Perusal of record of the case shows that prior to the accident, the deceased Surinder Kaur/mother of the appellants was a permanent government employee and was serving as a Science Teacher at Government Middle School, Chuhharpur, Samrala, District Ludhiana. It is the first contention of the appellants that income of the deceased has been taken on the lower side as only Rs.43,854/- per month, as deceased was earning total of approximately Rs.79,000/- per month. I find no merit in the said argument. The learned Tribunal has taken income of the deceased as ₹43,854/– per month which was the salary being drawn by her as Science Teacher. The

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appellants have abysmally failed to prove any income of the deceased from agriculture, or from tuitions; whereas salary of the deceased as Rs.43,854/- per month as Science Teacher was proved from the Salary Certificate (Ex.C4) dated 31.01.2014 produced by the appellants. Salary Certificate was proved from the evidence of CW3 Clerk, Government Senior Secondary School, Ludhiana. Thus, the learned Tribunal had correctly taken income of the deceased as Rs.43,854/- per month.

7. Further, age of the deceased was proved to be more than 50 years on the date of accident from Aadhaar Card (Ex.C8) and Matriculation Certificate of deceased (Ex.C9), in which date of birth of the deceased was given as 29.11.1963. Accordingly, in conformity with the judgment of the Hon'ble Supreme Court in "**Sarla Verma Vs. Delhi Transport Corporation" (2009) AIR (SC) 3104 Law Finder Doc ID # 188882,** the deceased being more than 50 years old, no addition of future prospects is required to be made.

8. Although appellant No.1 is the married daughter of the deceased, yet the learned Tribunal has made deduction of 1/3rd towards personal expenses. Therefore, deduction ought to have been 50% towards personal expenses. Multiplier of 13 has also been correctly applied. Under the conventional heads, the learned Tribunal has awarded exorbitant amount of Rs.2,25,000/- i.e. Rs.1 lakh each to both the claimants towards loss of love and affection and Rs.25,000/- for funeral expenses; whereas as per the structured formula laid down by the Hon'ble Supreme Court, the claimants

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were entitled to Rs.40,000/- each towards parental consortium and Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expense, i.e. total amount of Rs.1,10,000/- under the conventional heads. Therefore, compensation in excess of what is admissible to the appellants as per law, has already been awarded to them. In view of the above, no ground for modification/enhancement of compensation has been made out. Present appeal accordingly stands **dismissed.**

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

19.11.2025 **(Nidhi Gupta)**
Sunena **Judge**

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

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