

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****127****FAO-2010-2025(O&M)**
Date of decision: 02.09.2025**Smt. Vahidan & Others****...Appellant(s)****Vs.****Ravi Ranjan Kumar & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Afjal Hussain, Advocate**
for the appellants.*********NIDHI GUPTA, J.****CM-6415-CII-2025**

This is an application under Section 151 CPC for condonation of delay of 185 days in re-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 176 days (inadvertently, erroneously mentioned as 185 days in the application) in re-filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.9,01,600/- awarded by the Motor Accident Claims Tribunal, Nuh (hereinafter 'the learned Tribunal') vide Award dated 14.05.2024 passed in MACP-562-2020 dated 22.12.2020 filed



under Section 166 of the Motor Vehicles Act (hereinafter “the Act”). The 6 claimants are the parents and 4 brothers & sisters of deceased Sahil who was 21 years old at the time of accident.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the deceased Sahil had died due to the injuries suffered by him in the motor vehicular accident that took place on 03.01.2019 due to the rash and negligent driving of truck bearing registration No.JH-10AT-3622 (hereinafter “the offending vehicle”) by respondent No.2. The offending vehicle was owned by respondent No.1 and insured by respondent No.3. The aforesaid compensation has been awarded along with interest @ 7% per annum. Compensation amount was payable by the respondent No.3- Insurance Company with right to recover from respondent No.1/owner of the offending vehicle along with interest.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that the appellants had proved on record that deceased was working as a Cleaner in a vehicle and earning Rs.15,000/- per month. Despite that, income of the deceased has been taken on the lower side as only Rs.5,500/- per month; whereas even as per the relevant Minimum Wage Notification, income ought to have been taken as Rs.9,024/- per month. It is further submitted that learned Tribunal was in error in dismissing the Claim Petition qua claimants No.3 to 6/brothers and sisters of



the deceased as all claimants were dependent on the income of the deceased. It is submitted that mother of the deceased PW1 had specifically deposed that age of deceased was 18 years, and that the claimants No.3 to 6 were totally dependent upon income of the deceased. Yet the Claim Petition had been dismissed qua the said claimants, which could not have been done. It is submitted that even loss of income had been granted on the lower side as only Rs.5,500/-, whereas the same ought to have been Rs.10,00,000/- lakh; loss of consortium should have been Rs.5 lakh; funeral expenses should have been Rs.2 lakh; and loss of love & affection should have been Rs.5 lakh; and interest should have been granted @ 12% per annum instead of 7%. Learned counsel accordingly prays for modification of the impugned Award as above.

4. No other argument is made on behalf of the appellants.

5. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions made on behalf of the appellants.

6. It has firstly been submitted by the appellants that the deceased was working as a Cleaner on a truck and earning Rs.15,000/-. However, no proof of income or avocation of the deceased was produced by the appellants. As such, the learned Tribunal had taken income of the deceased as Rs.5,500/- per month on the basis of the Minimum Wages prevalent at that time in the State of Rajasthan. It is the contention of the learned counsel for the appellants that as per the Minimum Wage Notification of the State of Haryana, for an unskilled worker, minimum wages of Rs.9,024.24/- ought to



have been granted. A photocopy of the said Notification has been handed over in the Court by learned counsel for the appellants, which is taken on record. However, first and foremost, the said Notification would not be applicable to the case of the appellants as admittedly, the deceased was a resident of District Bharatpur, Rajasthan. It is their own pleaded case that the deceased was a resident of District Bharatpur, Rajasthan. In fact, the appellants have shown themselves also to be residents of District Bharatpur, Rajasthan and at present residing in District Nuh. Furthermore, the accident had taken place in the vicinity of Police Station Mirjamurad near Varanasi. As such, the Notification produced by learned counsel for the appellants pertaining to the State of Haryana, will have no relevance/application.

7. Even further, even as per the said Notification, the wage of Rs.9,024.24/- for an unskilled worker is applicable from 01.07.2019; whereas in the present case, the accident had taken place on 03.01.2019 i.e. prior to issuance of the said Notification. Accordingly, I find no error in the income as assessed by the learned Tribunal.

8. Further, it was the pleaded case of the appellants that deceased was 18 years old at the time of accident. However, as per the Post-Mortem Report (Ex.P4), age of the deceased is mentioned to be 21 years. Keeping in view the above facts, the learned Tribunal had made an addition of 40% towards future prospects; and had correctly applied multiplier of 18. The learned Tribunal had also correctly dismissed the claim petition qua



claimants No.3 to 6/brothers and sisters of the deceased holding that day were not entitled to compensation as they were not dependent on the deceased because their parents/claimants No.1 and 2, were still alive. Further, the deceased was admittedly a bachelor. As such, deduction of 50% was correctly made towards personal expenses. Accordingly, learned Tribunal had awarded compensation in the following manner: –

Heads	Amount
Income	Rs.5,500/- per month
Future prospects (40%)	Rs.92,400/- per annum
50% deduction	Rs.46,200/-
Multiplier of 18	Rs.8,31,600/-
Conventional heads	Rs.70,000/-
Total	Rs.9,011,600/-

9. I find the above said compensation awarded by the Tribunal to be just and fair in the facts and circumstances of the present case. 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;** has 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.”*



10. In view of the above, present appeal is **dismissed**.
11. Pending application(s) if any also stand(s) disposed of.

02.09.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No