

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-4136-2024 (O&M)
Date of decision: 02.09.2025

Babli and others

...Appellant(s)

Vs.

Naveen Kumar and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Naveen Kashyap, Advocate for the appellants.

NIDHI GUPTA, J.

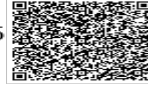
CM-15163-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act, 1963 read with Section 151 CPC, is for condonation of delay of 591 days in filing the accompanying appeal.

2. The only reason cited by counsel for the applicant/appellants in the application seeking condonation of delay of 591 days is *"That the appellants are poor and rustic villager and the appellants are medically fit and not having any knowledge to approach any counsel to file the present appeal. That due that there is delay of 591 days has occurred in filing the present appeal."*

3. The above said reason is vague and does not constitute sufficient ground for condonation of extraordinary and inordinate delay of 591 days.

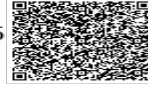
4. Hence, the present application is dismissed.

**FAO-4136-2024 (O&M)**

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.15,42,000/- awarded by the Id. Motor Accident Claims Tribunal, Panipat (hereinafter “the learned Tribunal”) vide Award dated 01.10.2022 passed in MACT Case No. 48 dated 22.12.2020 filed under Sections 166 and 140 of the Motor Vehicles Act, (hereinafter “the Act”). The 7 claimants/appellants are the 38-year-old widow; 21-year-old daughter; 19-year-old daughter; 17-year-old son; 17-year-old son; 77-year-old mother; and 78-year-old father of the deceased Rampal, who was about 41 years old at the time of accident.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and evidence adduced before it, concluded that the deceased-Rampal had died due to the injuries suffered by him in a motor vehicular accident that took place on 24.03.2020 at about 10 a.m. due to rash and negligent driving of Car bearing registration No. OD26-B-5225(hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The Tribunal awarded above said compensation along with interest @ 6% per annum. All the respondents were held liable to pay the compensation jointly and severally.

3. Learned counsel for the appellants seeks enhancement by submitting that nothing has been awarded by way of filial consortium to the parents of the deceased, who are old and aged. It is further submitted that the age of the deceased has been incorrectly considered as 41 years



instead of 35 years. It is also submitted that income of the deceased has been taken on the lower side as Rs.9,000/-p.m.; whereas the deceased was earning Rs.18,000/- p.m. Even compensation awarded under the other heads is also on the lower side.

4. It is accordingly prayed that present Appeal be allowed; and the compensation be enhanced in the above manner.

5. No other argument is raised on behalf of the appellants. I have heard Id. counsel and perused the case file in detail. I find no merit whatsoever in the submissions made on behalf of the appellants.

6. It is the pleaded case of the appellants in the claim petition before the learned Tribunal that prior to the accident, deceased was working as Conductor/Cleaner in a Truck and earning Rs.18,000/-p.m. However, the appellants had failed to produce any oral or documentary evidence to prove the alleged avocation or income of the deceased. As such, learned Tribunal, on the basis of minimum wages prevailing in the State of Haryana at the relevant time, had determined notional income of the deceased as Rs.9,000/-p.m. It has further been contended by learned counsel for the appellant that the deceased was 35 years of age as also recorded in Postmortem Report Ex.P4. However, Aadhar Card of the deceased Rampal was produced by the appellants as Ex.P10; wherein his date of birth is mentioned as 01.01.1979. Thus, at the time of death on 24.03.2020, deceased was 41 years 02 months.

7. Keeping in view the above facts, learned Tribunal had made addition of 25% towards future prospects; and had correctly applied



multiplier of 14. As claimants were 7 in number, learned Tribunal had deducted 1/5th towards personal expenses of the deceased. Learned Tribunal had further granted Rs.40,000/- for loss of consortium to the appellant No.1; Rs.15,000/- each towards loss of estate and funeral expenses. Accordingly, learned Tribunal has calculated the compensation in the following manner: -

Sr. No.	Heads	Calculation (in Rs.)
(i)	Income	Rs.9,000/-
(ii)	25% future prospects	Rs.11,250/-p.m. (Rs.9000+Rs.2,250)
(iii)	1/5th deduction as personal expenses of the deceased	Rs.9,000 (Rs.11,250-Rs.2250)
(iv)	Compensation after multiplier of 14 is applied	9000 x 12 x14 =Rs.14,80,584/- (or Say Rs.15,12,000/-)
(v)	Loss of consortium payable to the widow only i.e. petitioner no.1	Rs.40,000/-
(vi)	Loss of Estate	Rs.15,000/-
(vii)	Funeral expenses	Rs.15,000/-
	Total compensation awarded	Rs.15,82,000/-

8. In this situation, reference may be made to judgment of the Hon’ble Supreme Court in **SLP No.13931 of 2017 titled as “New India Assurance Co. Ltd. Vs. Vinish Jain & Others”**, wherein it has been held that where difference in compensation is about 4 to 5 per cent only, it does not warrant interference by this Court as, such variation in compensation is within permissible limits.

9. This above-said judgment of the Hon’ble Supreme Court has been followed by the Kerala High Court in **“The Managing Director,**

**Divisional Controller Versus Alikutty and Others” Law Finder Doc Id #**

1885188. Relevant para 18 of the said judgment is reproduced below:-

*“18. It is to be borne in mind, the accident occurred on 23,2,2019. It is more than 2 ½ years since the respondents 1 to 4 have been knocking at the doors of the Courts seeking compensation on account of the death of the bread-winner. It is trite law that the Tribunal is permitted to do some guess work and also exercise its discretion to fix the reasonable and just compensation, for which there cannot be any straightjacket formula based on mathematical precision. In **New India Assurance Company Vs. Vinish Jain and Others [(2018) 3 SCC 619]**, the Hon'ble Supreme Court has held that if the fixation of compensation is within permissible limits, the courts should normally not interfere with such awards”.*

10. Above said view has been reiterated by the Kerala High Court

in **“Reliance General Insurance Company Limited Vs. Adila and Others”**,

Law Finder Doc ID # 1921609, paras 16 and 17 of which read as under:-

“16. The other area of dispute is that the Tribunal after awarding compensation under the conventional heads has awarded Rs.75,000/- towards loss of love and affection and Rs.10,000/- awarded towards pain and sufferings.

*17. In **New India Assurance Co., Ltd v. Vineesh.J [2018 (3) SCC 619]**, the Hon'ble Supreme Court has held that the Appellate Court can permit variation of plus or minus 4 to 5 percent.”*

11. From the above facts, it is clear that a very just and fair compensation has been awarded to the appellants. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellant. 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."

12. Hence, no ground is made out to interfere in the impugned Award dated 01.10.2022. Accordingly, the present appeal is hereby **dismissed** on merits as well as on ground of delay.

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

02.09.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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