

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****230****FAO-2576-2021 (O&M)****Date of decision: 21.05.2025****Bimlesh****...Appellant(s)****Vs.****Harkesh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Kulwinder Pal Kaur, Advocate
for Mr. M.R.Sharma, Advocate for the appellant.

NIDHI GUPTA, J.

The present appeal has been filed by the claimant No.1 seeking enhancement of compensation of Rs.12,12,400/- awarded by the learned Motor Accident Claims Tribunal, Faridabad (hereinafter referred to as 'the Tribunal') vide Award dated 15.09.2020 partly allowing the claim petition bearing MACP Case No. 243 dated 11.07.2019 filed under Section 166 of the Motor Vehicles Act, 1988 read with Section 140 of Motor Vehicles Act. The 3 claimants before the learned Tribunal were the appellant/mother; 33 years old brother; and 37 years old sister of the deceased Vikesh Vats.

2. Brief facts of the case are that the learned Tribunal on the basis of the pleadings and evidence adduced before it, concluded that the deceased Vikesh Vats @ Bunty had died due to the injuries suffered by him in a motor vehicular accident that took place on 22.11.2018 due to the rash and negligent driving of Mahindra Bolero bearing registration No. HR-52-C-0322 (hereinafter referred to as 'the offending vehicle') being owned and



driven by respondent No.1; and insured by respondent No.2 herein. The learned Tribunal awarded the compensation as above alongwith interest @ 6% per annum from the date of institution of the petition till realization of the amount. The respondents No. 1 and 2 were held liable to pay the said compensation jointly and severally.

3. Learned counsel for the appellant seeks enhancement of compensation on the ground that interest has been awarded only @ 6% per annum; whereas it should have been at least 9% per annum. It is submitted that only Rs.15,000/- has been awarded towards funeral expenses, whereas the same should have been Rs.25,000/-. Further, as the claimants were 3 in number, deduction should have been 2/3rd instead of 50%. Income of the deceased has also been taken on lower side as only Rs.8,500/- per month; whereas it should have been Rs.15,000/- per month. It is accordingly prayed that the present appeal be allowed; and the compensation be enhanced.

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

5. I have heard learned counsel for the appellant and perused the case file in great detail.

6. I find no merit in the submissions made on behalf of the appellant. It was the pleaded case of the claimants before the learned Tribunal that the deceased was a mason by profession and earning Rs.15,000/- per month. However, no evidence whatsoever was led by the claimants to prove the same. Accordingly, learned Tribunal has assessed notional income of the deceased as Rs.8,500/- per month on the basis of



letter dated 15.05.2018 issued by the Labour Commissioner as per which minimum wages for unskilled worker were about Rs.8,500/- per month w.e.f. 01.01.2018. I find no error in the said assessment made by the learned Tribunal. Thus, income of the deceased was taken to be Rs.8,500/- p.m. i.e. Rs.1,02,000/- per annum (8500 x 12). The deceased was 30 years old at the time of accident. Accordingly, addition of 40% was made towards future prospects. Thus, the total income worked out to be Rs.1,42,800/-per annum (1,02,000 + 40,800). Admittedly, deceased was a bachelor. Nothing has been shown to this Court to remotely indicate the financial dependency of claimants No.2 and 3 on the income of the deceased. On the contrary, it is admitted fact on record that the claimants No. 2 and 3 are happily married in their respective matrimonial home. As such, appellant No.1 was the only dependant upon the deceased. Accordingly, learned Tribunal had correctly made deduction of 50% towards personal expenses (1,42,800-71,400 =Rs.71,400). As the deceased was 30 years old, multiplier of 16 was correctly applied and loss of dependency was calculated to be Rs.11,42,400/- (71,400 x 16). Ld. Tribunal further awarded Rs.40,000/- for loss of filial consortium to the appellant; Rs.15,000/- for funeral expenses; and Rs.15,000/- for loss of estate. Thus, granting total compensation of Rs.12,12,400/.

7. From the above facts, it is clear that a very just and fair compensation has been awarded to the claimants. Accordingly, I find no case is made out that merits interference with the impugned Award. 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**, has held that the amount of compensation should be just and reasonable, it should neither be a windfall or a bonanza nor a source of profit but at the same time it should not be a pittance. Thus, all that has to be determined in the facts of a given case is, that the compensation accorded is ‘just’. In my considered view, in the present case, the learned Tribunal has awarded a very ‘just’ compensation, which is in accordance with the law laid down by the Hon’ble Supreme Court and therefore, does not warrant the interference of this Court. In the case of **“General Manager, KSRTC Vs. Susamma Thomas & Others” 1994 Volume-II SCC 176**, the Hon’ble Supreme Court has further held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

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

21.05.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

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