



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**FAO-2481-2017 (O&M)
Date of Decision:04.08.2025**

**RANJIT KAUR AND ANOTHER
Vs.**

...Appellants

GYARSHI LAL AND OTHERS

...Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present: None for the appellants.

Mr. Naveen Chopra, Advocate
for the Insurance Company.

NIDHI GUPTA, J. (Oral)

1. The present appeal has been filed by the claimants seeking enhancement of the compensation of Rs.5,92,000/- awarded by the learned Motor Accident Claims Tribunal, Ludhiana (hereinafter 'the Tribunal'), vide Award dated 29.01.2016 passed in MACT case No. 13 dated 20.10.2014 filed under Section 166 of the Motor Vehicles Act, 1988, (in short 'MV Act'). The two claimants are the widow and son of Najar Singh-deceased.

2. Brief facts of the case are that the learned Tribunal on the basis of the pleadings and oral and documentary evidence adduced before it had concluded that the deceased-Najar Singh s/o Joginder Singh had died due to the injuries suffered by him in motor vehicular accident that took place on 16.09.2003 due to the rash and negligent driving of truck bearing registration No. DL-1GB-4356 (hereinafter 'the offending vehicle'), being driven by respondent no.1, owned by respondent No.2 and insured by respondent No.3. Learned Tribunal had awarded the above said



compensation along with interest of 7.5% per annum. The respondents were held jointly and severally liable to pay the above said compensation.

3. At the very outset it may be pointed out that the present appeal is of the year 2017 in which notice of motion was issued on 04.11.2022 whereafter the matter was referred to the Lok Adalat on 13.05.2023 where it could not be settled. On the last four dates of hearing before this Court i.e., 20.04.2024, 19.03.2025, 08.07.2025 and 18.07.2025, none has entered appearance on behalf of the appellants. As per office report, learned counsel representing the appellants has been duly informed through e-mail, yet none appears today. As such, the matter is being heard and decided in the absence of the Id. Counsel for the appellants/claimants.

4. Ld. Tribunal awarded compensation in the following manner:

Sr. No.	Heads	Calculation
1	Wages	6000/-
2.	Deduction of 1/3 rd as personal expenses	6000 – 2000 = 4000
4.	Multiplier of 9 applied	4000 x 9 x 12 = 4,32,000
5.	Loss of consortium for claimant No.1 (wife)	1,00,000
6.	Loss of love and affection for claimant No.2	25,000
7.	Funeral expenses	25,000
8.	Loss of estate	10,000/-
	Total Compensation	5,92,000/-

5. It has been submitted by learned counsel for respondent No.3/Insurance Company that compensation which has been awarded is already on the higher side as income of the deceased has been taken on the higher side as Rs.6,000/-; whereas as per the relevant minimum wage



notification, minimum wages in the year 2003 were Rs.2198/-. It is also submitted that a huge amount of Rs.1,60,000/- has been awarded under the conventional heads whereas as per law the said amount cannot exceed Rs. 77,000/-. In support learned counsel refers to judgments of the Hon'ble Supreme Court in **“Shri Ram General Insurance Co. Ltd. Vs. Bhagat Singh Rawat& Others” Civil Appeal Nos.2410-2412/2023**; **“Mehmooda Bee & Others Vs. National Insurance Co. Ltd.” (@ SLP (C) No.16767 of 2022)**; and **“BebiGiri Vs. National Insurance Co. Ltd.” Civil Appeal No.6551 of 2022**, wherein it has been held that maximum sum of Rs.77,000/- only can be granted under the conventional heads. In the present case, ₹1,60,000/- has been awarded under the conventional heads. It is accordingly prayed that the present appeal deserves to be dismissed.

6. Heard the argument.

7. Perusal of the record of the case shows that the accident in question had taken place on 16.09.2003. However, the present claim petition was instituted by the appellants/claimants on 20.10.2014, i.e., approximately 11 years after the accident. Clearly, a claim petition filed 11 years after the accident is not maintainable. Record further reveals that nothing has been stated in the claim petition explaining the said delay. Even this fact has not been considered by the learned Tribunal in the impugned Award.

8. As regards quantum of compensation, it was the pleaded case of the claimants that deceased was self-employed doing agricultural work and was also maintaining a dairy farm and from all the sources, he used to earn Rs.10,000/- per month. Despite the fact that no documentary evidence whatsoever was brought on record by the claimants to support the said



avermment, the Tribunal had taken income of the deceased as that of an un-skilled labourer as Rs.6,000/- per month. It has been correctly pointed by Id. counsel for respondent No.3/Insurance Company that at the time of accident in the year 2003, as per the relevant notification, minimum wages admissible to an un-skilled labour was only Rs.2198/- per month. Clearly therefore, the Tribunal had assessed income of the deceased perhaps as the minimum wage payable in the year 2016 at the time of passing of the Award; whereas the same ought to have been assessed as minimum wage for the year 2003.

9. Further an exorbitant amount of Rs.1,60,000/- under the conventional heads has been awarded whereas Hon'ble Supreme Court in the above referred judgments, has held that maximum amount of Rs.77,000/- is to be given under the conventional heads.

10. Keeping in view the said facts, no ground for enhancement of compensation awarded is made out.

11. The present appeal stands **dismissed**.

(NIDHI GUPTA)
JUDGE

04.08.2025

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