



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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FAO-6233-2017(O&M)
Date of decision: 06.11.2025

Raj Singh & Another

...Appellant(s)

Vs.

Dalel & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Mehak Ghangas, Advocate for
Mr. Ajay Ghangas, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for respondent No.3.

NIDHI GUPTA, J.
CM-20045-CII-2017

This is an application under Section 5 of Limitation Act read with
Section 151 CPC for condonation of delay of 64 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 64 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by claimants seeking
enhancement of compensation of Rs.7,97,422/- awarded by the Motor
Accident Claims Tribunal, Panipat (hereinafter 'the learned Tribunal') vide



Award dated 03.12.2016 passed in Claim Petition No.99 dated 03.10.2015 filed under Sections 166 and 140 of the Motor Vehicles Act (hereinafter “the Act”). The 2 claimants are the parents of deceased Sahil, who was 19 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 deceased Sahil had died due to the injuries suffered by him in a motor vehicular accident that took place on 31.08.2015 due to the rash and negligent driving of the bus bearing registration No.HR-67-A-5741 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2, and insured by respondent No.3. The aforesaid compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.4,000/- per month; whereas the same should have been taken as Rs.10,000/- per month. It is submitted that admittedly, the deceased was a student of B.Com. and was partly engaged in the business of selling fruits from which he was earning Rs.10,000/- per month. It is submitted that in similar circumstances a Co-ordinate Bench of this Court in **“TATA AIG General Insurance Company Limited Vs. Narinder Kaur**



& Ors” FAO-963-2015 decided on 19.02.2025, where the deceased was a 16-year-old student of Class 11, the income had been taken as Rs.15,000/- per month. It is accordingly prayed that in the present case as well; income of the deceased be taken as Rs.15,000/- per month. In the alternate, it is submitted that as per Minimum Wage Notification issued by the State of Haryana, minimum wage payable from 01.07.2013 to a skilled worker is Rs.5731.51/-. It is prayed that income of the deceased be at least taken as per the said Notification.

4. It is further submitted that future prospects should have been added @ 50%; whereas the Tribunal has awarded nothing by way of future prospects. Even nothing has been awarded under the loss of estate. Meagre sum has been granted under conventional heads inasmuch as only Rs.50,000/- has been awarded towards funeral expenses and transportation; whereas the same should be Rs.1 lakh. Learned counsel accordingly prays for enhancement of compensation.

5. 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.

6. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail.

7. It has been contended on behalf of the appellants/claimants that the deceased was a student of B.Com. and also used to sell fruits in part-



time and was earning Rs.10,000/- per month. However, a perusal of the record of the case shows that the appellants produced no evidence to remotely indicate that deceased was a student of B.Com. Even no proof of avocation of selling fruits or income was produced by the appellants. In this background, the learned Tribunal had assessed notional income of the deceased as Rs.4,000/- per month by observing as follows: -

*“18. The petitioners have also claimed that deceased Sahil was student of B.Com. and he was earning Rs.10,000/- per month by selling fruits in part time. The petitioners have not produced any documentary evidence to prove this fact. Sahil (since deceased) was a student of B.Com. and it cannot be believed that he was earning Rs.10,000/- per month by selling the fruits in part time. As Sahil (deceased) was major at the time of accident, therefore his notional income can be assessed as Rs.4,000/- per month. As per law laid down by our own Hon'ble High Court of Punjab and Haryana in **Jyoti and another Vs. Jagdish and others 2014 ACJ 2441** the deduction towards personal and living expenses out of the income of the deceased would be 1/3rd. The deceased was nineteen years old at the time of his death. Therefore, the multiplier of 18 will be applied as per law laid down in **Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another 2009(3) CCJ 1298.**”*

8. However, Id. counsel for the appellants has also produced Minimum Wage Notification issued by the State of Haryana applicable from 01.07.2013 as per which minimum wage payable to a skilled worker is



Rs.5731.51/-. Thus, income of deceased is taken as ₹5731.51/- rounded off to Rs.5,800/- per month.

9. Further, age of the deceased was held to be 19 years old at the time of death as per own pleaded case of the appellants. As such, deceased was entitled to addition of 40% towards future prospects. However, the Tribunal has failed to make addition of 40% towards future prospects. Learned Tribunal has further made deduction of 1/3rd towards personal and living expenses. However, keeping in view the fact that deceased was a Bachelor, deduction of 50% was liable to be made. Furthermore, learned Tribunal has awarded Rs.50,000/- towards funeral expenses; whereas the same ought to have been Rs.18,000/-. The Tribunal has awarded nothing towards loss of estate; whereas the appellants are entitled to Rs.18,000/- towards loss of estate. The Tribunal has further awarded Rs.1 lakh towards consortium to the claimants; whereas the same ought to have been Rs.48,000/- each. Learned Tribunal has also awarded Rs.71,350/- towards medical expenses as per the bills proved on record and the said amount is maintained by this Court. In view of the above discussion, present appeal is **partly allowed** and compensation payable to the appellants is re-assessed in the following manner:-

Head	Awarded by learned Tribunal	Re-assessed compensation
Income	Rs.4,000/- per month	Rs.5,800/- per month
Deduction	(1/3rd) Rs.1,333/-	(50%) Rs.2,900/-



Future prospects	Nil	(40%) Rs.4,060/- (Rs.2,900/- + Rs.1,160/-)
Multiplier	18	(18) Rs.73,080/- (Rs.4,060/- x 18)
Total loss of dependency	Rs.5,76,072/- (Rs.2,667/- x 12 x 18)	Rs.8,76,960/- (Rs.73,080/- x 12)
Loss of estate	NIL	Rs.18,000/-
Funeral expenses	Rs.50,000/-s	Rs.18,000/-
Loss of consortium	Rs.1 lakh	Rs.96,000/- (Rs.48,000/- x 2)
Proved medical bills	Rs.71,350/-	Rs.71,350/-
Total	Rs.7,97,422/-	Rs.10,80,310/-
Interest	7.5%	7.5%

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

06.11.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No