

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****235****FAO-4208-2018(O&M)****Date of decision: 02.09.2025****Varinder Singh & Another****...Appellant(s)****Vs.****Vicky Kumar & Another****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Gaurav, Advocate for
Mr. Sanjeev Goyal, Advocate
for the appellants.

Mr. Gazi Mohd. Umair, Advocate
for respondent No.1.

Mr. Aseem Aggarwal, Advocate
for respondent No.2.

*********NIDHI GUPTA, J.****CM-14628-CII-2018**

This is an application under Order 41 Rule 27 read with Section 151 CPC for placing on record school documents of deceased as Annexure A1 and A2 (colly) by way of additional evidence.

It is mentioned in Para 2 of the application that:-

"2. That the applicant/appellant wants to place on record the admit card of entrance test 2011, I-Card of Manjeet Singh,



receipts dated 24.01.2011, 27.07. 2011,01.03.2011, summary statements of account for the period of 01.04.2011 to 30.06.2011, summary statement of account 01.07.2011 to 31.12.2011, 01.01.2012 to 31.03.2012 and statement of account of expenses for the period 01.07.2012 to 31.12.2012, summary statement of account for the period 01.04.2012 to 30.06.2012, 01.07.2012 to 31.07.2012 and statement of account of expenses of 01.04.2013 to 30.06.2013, summary of statement of account for the period 01.04 2013 to 30.06.2013 of issued by The Punjab Public School Nabha are attached herewith as Annexure A-1 (Colly). Copy of the receipt No. 4585 dated 14.05.2014, receipt No. 12787 dated 01.10.2014, receipt No.1106 dated 08.04.2014 and performance profile of deceased issued by General Gurnam Singh Public School are attached herewith as Annexure A-2 (Colly). However, separate application is being filed for the kind perusal of this Hon'ble Court. The appellants/applicants could not place on record the said documents before the Ld. Tribunal despite due diligence, as they were earned the shock and trauma due to the death of their son-Manjot Singh."

No cogent reasons have been given by the applicants/appellant, for failing to produce the said documents before the learned Tribunal.

In view of the above, present application is **dismissed**.

MAIN CASE

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.4,85,000/- awarded by the Motor Accident Claims Tribunal, Sangrur (hereinafter 'the Id. Tribunal') vide Award



dated 05.07.2017 passed in Motor Accident Claim Case No.108 dated 23.05.2016 filed under Section 166 of the Motor Vehicles Act (hereinafter “the Act”). The 2 claimants are the parents of deceased Manjot Singh.

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 Manjot Singh had died due to the injuries suffered by him in the motor vehicular accident that took place on 20.12.2015 due to the rash and negligent driving of Mahindra Pickup bearing registration No.PB-11BU-2995 (hereinafter “the offending vehicle”) by respondent No.1. The offending vehicle was owned by respondent No.1 and insured by respondent No.2. The aforesaid compensation has been awarded along with interest @ 7% per annum. Respondents were held jointly and severally liable to pay the aforesaid compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased had been taken on the lower side as only Rs.2,500/- per month. It is submitted that at the time of accident, the deceased was a 14-year-old student of 7th standard. He was brilliant in his studies. Therefore, his income cannot be considered less than Rs.10,000/- per month. Moreover, the deceased was the only son of his parents, and their entire future has become dark due to his death. It is accordingly prayed that the awarded amount deserves to be enhanced.



4. Learned counsel for the respondents oppose the submissions of the appellants and submit that the impugned Award suffers from no error and the present appeal deserves to be dismissed.
5. No other argument is made on behalf of the parties.
6. I have heard learned counsel and perused the case file in detail.
7. It may first and foremost be pointed out that at the time of accident, the deceased was driving the motorcycle without licence. Moreover, the deceased was triple riding the motorcycle along with Prabhjot Singh and Jafar Khan. These facts have been admitted by the claimants themselves in the Claim Petition as recorded in Para 2 of the impugned Award is as follows:-

“2. Claimant submitted that at the time of accident, Manjot Singh was 14 years old. On the fateful day of 20.12.2015, Manjot Singh along with Prabhjot Singh and Jafar Khan was returning to Bhawanigarh from Gharachano after some domestic work. At about 5:00 P.M., when they reached at Phagguwala Crossing, Bhawanigarh, within the jurisdiction of Police Station, Sadar Sangrur and were passing through the crossing, a Mahindra Pickup bearing registration No.PB-11BU-2995 came from Bhawanigarh side driven by its driver at very high speed and in rash and negligent manner and hit in the motorcycle driven by deceased along with above said persons. As a result of accident, the deceased fell on the ground and suffered multiple injuries on his head and succumbed to the injuries on the spot. He was rushed to Civil Hospital, Bhawanigarh by Maninder Singh and the doctor declared him brought as dead. On the statement of Maninder Singh, First Information Report No.120 dated



20.12.2015 under Sections 279, 304-A, 427 and 337 of the Indian Penal Code was registered at Police Station, Sadar Sangrur (wrongly mentioned as Police Station, Bhawanigarh). Postmortem examination of the dead body of Manjot Singh was conducted on 21.12.2015 at Civil Hospital, Sangrur. The accident had taken place due to the rash and negligent driving on the part of respondent No.1. The claimants have claimed compensation of 820,00,000/- along with interest against the respondents.”

8. In actual fact, in such a situation, where the deceased was admittedly triple riding the motorcycle without a valid license, the appellants cannot be held entitled to compensation in view of the fact that the accident has been caused due to the negligence of the deceased himself. However, as no appeal has been filed by the respondent No.2-Insurance Company, compensation granted to the appellants cannot be set aside. Ld. Tribunal has taken lenient view of these facts and awarded compensation.

9. As regards quantum of compensation, the learned Tribunal has taken notional income of the deceased as Rs.2,500/- per month; thereby calculating annual income to be Rs.30,000/-. As deceased was 14 years old and his parents/claimants were in their 30s, multiplier of 14 was correctly applied; thereby calculating dependency to be Rs.4,20,000/-. Learned Tribunal further awarded Rs.50,000/- towards loss of love & affection; Rs.10,000/- towards funeral expenses; and Rs.5,000/- towards transportation; thereby calculating total compensation amount to be



Rs.4,85,000/- along with interest @ 7% per annum. Learned Tribunal has observed that the mistake was on part of the parents/claimants who had permitted their minor son to drive motorcycle that too without driving licence. Yet has proceeded to award compensation.

10. In view of the above facts, I find no case is made out which merits interference with the impugned Award. In the case of **“General Manager, KSRTC Vs. Susamma Thomas & Others” 1994 Volume-II SCC 176**, the Hon’ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

11. In view of the above, present appeal is **dismissed**.

12. 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