

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****118****FAO-5822-2024(O&M)**
Date of decision: 12.11.2025**Smt. Sunita & Others****...Appellant(s)****Vs.****Unnas & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Bhagwan Singh, Advocate
for the appellants.*********NIDHI GUPTA, J.**
CM-22238-CII-2024

This is an application under Section 151 CPC for condonation of delay of 43 days in re-filing the appeal.

After going through the contents of the application, which is supported by affidavit of counsel, the same is allowed subject to all just exceptions and delay of 43 days in re-filing the present appeal is condoned.

CM-22239-CII-2024

This is an application under Section 5 of Limitation for condonation of delay of 48 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 48 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.20,95,520/- awarded by the Motor Accident Claims Tribunal, Rewari (hereinafter 'the learned Tribunal') vide Award dated 30.04.2024 passed in MACP/326/2020 dated 24.08.2020 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 5 claimants are the widow, 2 minor children, and parents of deceased Ravi @ Ravinder Kumar, who was about 25 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 Ravi @ Ravinder Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 18.08.2019 due to the rash and negligent driving of motorcycle bearing registration No.RJ-40-SD-9937 (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 @ 6% 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.8,900/- per month. It is submitted that the deceased was employed as a Sweeper and was doing Pig Farming from which he was earning Rs.25,000/- per month. As such, income of the deceased ought to have been taken as Rs.25,000/- per month. It is further submitted that spousal consortium of Rs.44,000/- has been awarded only to claimant No.1/widow; and nothing has been granted by way of parental and filial consortium to the remaining claimants. It is also contended that the deduction has been wrongly made; and less rate of interest has been granted of 6%; whereas it should be 18%. Learned counsel accordingly prays for modification of the impugned Award.

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

5. Although it is the case of the appellants that the deceased was employed as a Sweeper and doing Pig Farming, however, on a Court query, learned counsel for the appellants has categorically admitted that no proof of employment or income was produced by the appellants. Even as per the record, appellants had failed to produce any proof or evidence of the alleged employment/income of the deceased. As such, only a bald statement in respect of the alleged employment and income was made by the claimants before the learned Tribunal and before this Court. In this situation, learned



Tribunal has correctly assessed notional income of the deceased as Rs.8,900/- per month on the basis of relevant Minimum Wage Notification.

6. Further, age of the deceased was proved to be 25 years 10 months and 20 days old at the time of accident on the basis of his Marksheet (Ex.P2), in which his date of birth was shown to be 09.10.1993. Accordingly, learned Tribunal had correctly made an addition of 40% towards future prospects; and had correctly applied multiplier of 18. As there were five claimants, deduction of $\frac{1}{4}^{\text{th}}$ towards personal expenses has also been correctly made. Under the conventional heads, the learned Tribunal has awarded Rs.16,500/- towards funeral expenses; Rs.44,000/- towards consortium to claimant No.1 and Rs.16,500/- towards loss of estate.

7. As per the structured formula enunciated by the Hon'ble Supreme Court in various judgements, filial and parental consortium of Rs.44,000/- each would be admissible to the remaining claimants/appellants No.2 to 5. As such, in conformity with the structured formula laid down by the Hon'ble Supreme Court, the same is being **partly allowed**; however, without notice to respondent No.3-Insurance company as that will only further delay the matter. Since respondent No.3 has not been heard while passing this order, they will be at liberty to apply to this Court for variation/modification of this order in case grounds are made out for the same. Accordingly, compensation payable to the appellants is reassessed in the following manner:-



Head	Awarded by learned Tribunal	Reassessed compensation
Income	Rs.8,900/- per month	Rs.8,900/- per month
Future prospects	(40%) Rs.8,900/- + Rs.3,560/- = Rs.12,460/-	(40%) Rs.8,900/- + Rs.3,560/- = Rs.12,460/-
Deduction	(1/4 th) Rs.12,460/- / 4 = Rs.3,115/- Rs.12,460/- - Rs.3,115/- = Rs.9,345/-	(1/4 th) Rs.12,460/- / 4 = Rs.3,115/- Rs.12,460/- - Rs.3,115/- = Rs.9,345/-
Annual income	Rs.9,345/- x 12 = Rs.1,12,140/-	Rs.9,345/- x 12 = Rs.1,12,140/-
Multiplier	(18) Rs.1,12,140/- x 18 = Rs.20,18,520/-	(18) Rs.1,12,140/- x 18 = Rs.20,18,520/-
Loss of estate	Rs.16,500/-	Rs.16,500/-
Funeral expenses	Rs.16,500/-	Rs.16,500/-
Consortium to claimant no.1	Rs.44,000/-	Rs.44,000/-
Consortium to claimants no.2 to 5	Nil	Rs.44,000/- X 4 = Rs.1,76,000/-
Total	Rs.20,95,520/-	Rs.22,71,520/-

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

12.11.2025
Sunena

(Nidhi Gupta)
Judge

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