



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

121

FAO-5665-2023 (O&M)

Date of decision: 10.11.2025

Babita and others

...Appellant(s)

Vs.

Taufiq and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Abhishek Dhull, Advocate
for the appellants.

NIDHI GUPTA, J.CM-19240-CII-2023

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 123 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant/appellant No.1, the same is allowed and delay of 123 days in filing the accompanying appeal is condoned.

FAO-5665-2023 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.21,18,648/- awarded by the learned Motor Accident Claims Tribunal, Palwal (hereinafter "the learned Tribunal") vide Award dated 04.03.2023 passed in MACT Petition No.29



dated 21.12.2018 filed under Sections 166/140 of the Motor Vehicles Act, (hereinafter “the Act”). The 3 claimants are the widow; and two minor children of the deceased Sarjeet, who was 33 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Sarjeet had died due to the injuries suffered by him in a motor vehicular accident that took place on 03.10.2018 due to the rash and negligent driving of a Truck bearing registration No.HR73A-7376 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. Ld. Tribunal awarded the above said compensation along with interest @ 9% per annum. All the respondents were held liable to pay the compensation jointly and severally.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.10,902/- p.m. It is submitted that the deceased was working as Route Patrolling Officer with NHAI and was earning Rs.20,000/- p.m. Moreover, deceased had done ITI in Plumber Trade besides doing agricultural work and milk vending. As such, income of the deceased ought to have been taken as Rs.20,000/- p.m. It is further submitted that as the deceased was an employee of NHAI, future prospects ought to have been added @ 50% p.a. Even consortium has been given on the lower side; and nothing has been awarded towards



transportation. Learned counsel accordingly prays that the present appeal be allowed; and the impugned Award be modified in the above manner.

4. No other argument is raised on behalf of the appellants. I have heard Id. Counsel and perused the case file in detail. I find no merit whatsoever in the submissions made on behalf of the appellants.

5. It was the pleaded case of the appellants that the deceased has done ITI in Plumber Trade in July 2005 as evident from Certificate Mark-B. It was the case of the appellants that the deceased thereafter, was working as Route Patrolling Officer at NHAI. As per the police investigation report, DDR Ex.P4 and FIR Ex.P5, deceased used to supervise the safety of the vehicles on the national highway. Accordingly, learned Tribunal had relied upon a Notification dated 28.06.2018 issued by the State Government of Haryana and taken income of the deceased as that admissible to Security Officer/Security Supervisor as Rs.10,902/- p.m. as stipulated in the said Notification.

6. On a Court query, it is admitted by learned counsel for the appellants that they had failed to prove the employment of the deceased and had also failed to produce salary slips of the deceased showing his income as Rs.20,000/- p.m. As such, I find no error in the income of Rs.10,902/- p.m. as assessed by the learned Tribunal.

7. As regards argument of the appellant that the deceased was entitled to future prospects @ 50%, the same is liable to be rejected as it has been admitted by learned counsel for the appellants that employment of the deceased as Route Patrolling Officer with the NHAI is not proved.

Accordingly, learned Tribunal had correctly made an addition of 40% towards future prospects; thereby calculating annual income to be Rs.1,83,154/- (Rs.10902 x 12 (Rs.1,30,824) + Rs.52,330 {40%}). As there were 3 claimants, deduction of 1/3rd was correctly made towards personal expenses; thereby calculating annual dependency as Rs.1,22,103/- (Rs.1,83,154-Rs.61,051). Since the age of deceased was found to be 33 years on the basis of his Postmortem Report Ex.P2, Id. Tribunal had correctly applied multiplier of 16; thereby calculating total dependency as Rs.19,53,648/- (Rs.1,22,103 x 16). Ld. Tribunal had further awarded Rs.44,000/- to each of the 3 claimants for loss of consortium; Rs.16,500/- for funeral expenses; Rs.16,500/- for loss of estate; thereby granting total compensation of Rs.21,18,648/- (Rs.19,53,648 + Rs.44,000 + Rs.44,000 + Rs.44,000 + Rs.16,500 + Rs.16,500).

8. Accordingly, learned Tribunal has calculated the compensation in the following manner: -

Sr. No.	Head of claim	Amount awarded
(i)	Loss of dependency	Rs.19,53,648/-
(ii)	Loss of estate	Rs.16,500/-
(iii)	Loss of consortium	Rs.1,32,000/-
(iv)	Funeral expenses	Rs.16,500/-
(v)	Total	Rs.21,18,648/-

9. From the above facts, it is clear that a very just and fair compensation has been awarded to the appellants. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellants. No doubt Chapter-12 of the Act is



a beneficial legislation yet, as cautioned by the Hon’ble Supreme Court, the same cannot be allowed to be treated as a windfall or a source of profit. 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. Mahadeva Shetty**’ (2003) 7 SCC 197, has held that the amount of compensation should be just and reasonable, it should neither be a bonanza nor a source of profit but at the same time it should not be a pittance. In case of ‘**General Manager, KSRTC Vs. Susamma Thomas and others** (1994) 2 SCC 176, the Hon’ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

- 10. The instant appeal, accordingly, stands **dismissed**.
- 11. Pending application(s) if any also stand(s) disposed of.

10.11.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

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