



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 10.12.2025

FAO-5098-2025(O&M)

Mamtesh & Others

...Appellant(s)

Vs.

Adatiya Arora & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Babita Gupta, Advocate
for the appellants.

NIDHI GUPTA, J.

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.25,41,952/- awarded by the Motor Accident Claims Tribunal, Panchkula (hereinafter 'the learned Tribunal') vide Award dated 02.08.2025 passed in MACP Case No.124 dated 11.10.2024 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 7 claimants are the widow, four minor children, 53-year-old father and 51-year-old mother of deceased Manish, who was 31 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 Manish had died due to the injuries suffered by him in a motor vehicular accident that took place on 16.09.2024 due to the



rash and negligent driving of Thar bearing registration No.HR-04-L-2169 (hereinafter referred to as “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. The respondents were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that less amounts have been awarded towards loss of estate and funeral expenses. Interest should be @ 12% per annum. Even nothing has been awarded towards love and affection.

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

5. Perusal of record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that deceased was working as a Painter and earning Rs.20,000/- per month. However, the appellants had failed to adduce any evidence whatsoever to prove the said avocation or income of the deceased. This fact was admitted by PW1/claimant No.1 during her cross-examination. Thus, the learned Tribunal had taken income of the deceased as an unskilled labourer as Rs.11,001.76/- per month as per the Minimum Wage Notification dated 15.10.2024 issued by the Labour Commissioner, Haryana. Age of the deceased was determined to be 31 years



at the time of accident on the basis of his Aadhaar Card (Ex.P2), wherein his date of birth is mentioned as 28.02.1993. Accordingly, the Tribunal had correctly made an addition of 40% towards future prospects; and correctly applied multiplier of 16. As there were 7 claimants, father of the deceased was not taken to be dependent therefore, as there are six claimants, Tribunal had correctly made deduction of 1/4th towards personal expenses. Learned Tribunal had further awarded Rs.18,000/- towards funeral expenses and transportation; Rs.18,000/- towards loss of estate; and Rs.48,000/- each by way of consortium to all the six claimants; thereby granting total compensation of Rs.25,41,952/- in the following manner:-

Head	Amount
Loss of dependency	Rs.22,17,952/-
Transportation and last rites	Rs.18,000/-
Loss of estate	Rs.18,000/-
Consortium	Rs.2,88,000/-
Total	Rs.25,41,952/-

6. 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 & Another Vs. Jasbir Kaur & Others**' 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 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.

7. In view of the above, present appeal is **dismissed**.
8. Pending application(s) if any also stand(s) disposed of.

10.12.2025

Sunena

(Nidhi Gupta)
Judge

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