



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-478-2020(O&M)

Date of decision: 11.11.2025

Karamvir & Others

...Appellant(s)

Vs.

Chinta Haran & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vishwajeet, Advocate
for the appellants.

NIDHI GUPTA, J.

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.23,14,000/- awarded by the Motor Accident Claims Tribunal, Kaithal (hereinafter 'the learned Tribunal') vide Award dated 02.08.2019 passed in MACT Case No.75 dated 03.01.2019 filed under Sections 166 and 140 of the Motor Vehicles Act (hereinafter "the Act"). The 3 claimants are the widower/husband and 2 minor children of deceased Pushpa, who was 29 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 Pushpa had died due to the injuries suffered by her in a motor vehicular accident that took place on 13.12.2018 due to the rash



and negligent driving of Mahindra TUV bearing registration No.HR-08W-7866 (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 @ 9% 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.11,000/- per month; whereas the same should have been taken as Rs.15,000/- per month. Moreover, Rs.1 lakh ought to have been granted on account of funeral expenses and loss of estate. Nothing has been awarded for transportation expenses. Nothing has even been paid towards loss of love and affection. Less amount has been awarded for loss of consortium. Multiplier has been applied on the lower side. Interest @ 9% per annum has been granted; whereas the same should be 18% per annum. In support of his contentions, learned counsel relies upon judgment of Hon’ble Supreme Court in **United India Insurance Co. Ltd. v. Satinder Kaur @ Satwinder Kaur (SC) : Law Finder Doc ID # 1729112.**

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 submissions advanced on behalf of the appellants.



5. Facts as pleaded by the claimants in the Claim Petition as recorded in Para 2 of the impugned Award are as follows:-

“2. The factual matrix connected with the said accident is described vide the para No. 26 of the instant petition, in terms that on 13.12.2018, the claimant No. 1 Karamvir and his wife Pushpa were returning on motor-cycle No. HR07V-0527 Bajaj Discover, from village Dhanoda Khurd (Jind) to Kurukshetra, after attending the marriage of his brother-in-law Prashant. Anil son of Satpal resident of Kaithal had also left for Kaithal, just after them, on a separate motor-cycle.

At about 3.30 PM, when they reached near the fuel Station of Indian Oil, between village Kharak Pandwa & Batta, a Mahindra TUV vehicle bearing registration No. HR08W-7866 of white colour, came driven in a rash & negligent manner on wrong side of the road and hit into the motor-cycle ridden by Karamvir and Pushpa. Karamvir saved a fatal injury due to wearing a helmet, but Pushpa sustained injury on her skull and other parts of body. In the meantime, Anil also reached there. The driver of offending vehicle came to injured Karamvir and Pushpa, for once, but then fled away taking advantage of the circumstances.

Anil arranged for an ambulance and shifted injured Karamvir and Pushpa, to Government Hospital, Kaithal. However, Pushpa was declared 'brought dead'.

On the statement of Karamvir, FIR No. 333 was recorded at Police Station Kalayat, under Sections 279 & 304-A of IPC, in reference of the offending vehicle No. HR08W-7866, wherein the respondent No.1 is facing trial before a competent criminal Court.” (Emphasis added)



6. Admittedly, the deceased was a Homemaker and was not in employment. No doubt gratuitous services rendered by a Homemaker are invaluable and are difficult to monetise in concrete terms. Accordingly, the learned Tribunal had assessed notional income of the deceased as Rs.11,000/- per month by placing reliance upon judgment of the Hon'ble Supreme Court in **Arun Kumar Aggarwal & Another Vs. National Insurance Company and Others 2010 (3) PLR (SC) 418** and **Jitendra Khimshankar Trivedi & Others Vs. Kasam Daud Kumbhar & Others 2015 ACJ 708 (SC)**; and judgment of this Court in **United India Insurance Company Limited Vs. Sube Singh & Others FAO-218-2014**. It has been contended on behalf of the appellants that income of the deceased ought to have been taken as Rs.15,000/- per month. However, there is no basis for such assertion. As such, I find the income as assessed by the Tribunal to be just and fair.

7. Further, age of the deceased was proved to be 29 years at the time of death on the basis of her Date of Birth, which was recorded as 01.05.1989 in her School Leaving Certificate (Ex.P11) and Aadhaar Card (Ex.P10). Accordingly, the learned Tribunal had correctly applied multiplier of 17. As deceased was a Homemaker, future prospects were not to be awarded. Learned Tribunal had further awarded Rs.40,000/- towards loss of consortium; Rs.15,000/- towards funeral expenses, and Rs.15,000/- towards loss of estate; thereby granting total compensation of Rs.23,14,000/-. Admittedly, in assessing income of the deceased, learned



Tribunal has failed to make any deduction towards personal expenses. Admittedly also, the deceased was not wearing a helmet at the time of accident, as required as per law. As such, I find no ground is made out to interfere in the impugned Award.

8. 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. Mahadev 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.

9. A 3-Judge Bench judgment of the Hon'ble Supreme Court in the case of "**Reshma Kumari v. Madan Mohan (SC) 2013(5) Scale 160; Law Finder Doc ID # 421379**"; has further held that: "**Motor Vehicles Act, 1988**,



Section 168 - Section 168 provides that amount of compensation awarded by the Claims Tribunal which appears to it to be just - The expression, 'just' means that the amount so determined is fair, reasonable and equitable by accepted legal standards and not a forensic lottery - Obviously 'just compensation' does not mean 'perfect' or 'absolute' compensation - The just compensation principle requires examination of the particular situation obtaining uniquely in an individual case."

10. Reliance of the appellants on the judgment of **Satinder Kaur (supra)** is misplaced as Hon'ble Supreme Court in **(SC) SLP No.13931 of 2017** titled as **"New India Assurance Co. Ltd. Vs. Vinish Jain & Others"** Law Finder Doc ID # 977386, has held that where difference in compensation is about 4 to 5 per cent only, it does not warrant interference by this Court as, such variation in compensation is within permissible limits.

11. The present appeal accordingly stands **dismissed**.

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

11.11.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No