



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CM-21330-CII-2025 in/and
FAO-2293-2019 (O&M)
Date of decision: 29.10.2025**

Renu and others

...Appellant(s)

Vs.

Joginder Pal Singh and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Pradeep Chooker, Advocate for
the applicants/appellants.

NIDHI GUPTA, J.

CM-21330-CII-2025

Prayer in this application under Order 41 Rule 19 CPC read with Section 151 CPC is for restoration of the main appeal which was dismissed for non-prosecution vide order dated 15.09.2025.

2. Heard.

3. For the reasons mentioned in the application, the same is allowed and the main appeal is ordered to be restored at its original number and position.

4. At the request of learned counsel for the applicants/appellants, the main appeal is taken up on Board today itself for disposal.



FAO-2293-2019 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.4,36,167/- awarded by the learned Motor Accident Claims Tribunal, Panipat (hereinafter referred to as “the learned Tribunal”) vide Award dated 09.07.2018 passed in MACT Case No. 87 dated 19.07.2016 filed under Section 163-A of the Motor Vehicles Act, (hereinafter referred to as “the Act”). The 5 claimants are the widow; 2 minor children; and parents of the deceased Abhijit @ Abhijit Nandal, who was 31 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-Abhijit had died due to the injuries suffered by him in a motor vehicular accident that took place on 30.08.2015 due to the rash and negligent driving of a Car bearing registration No.PB-02CD-5886 (hereinafter “the offending vehicle”) being owned and driven by respondent No.1; and insured by respondent No.2. The learned Tribunal awarded the above said compensation along with interest @ 7.5% per annum. Both respondents were held liable to pay the said compensation jointly and severally.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that learned Tribunal has wrongly taken the age of the deceased as 31 years; whereas in actual fact, the deceased was 30 years old at the time of accident. As such, learned Tribunal had erred in

making deduction of 1/3rd towards personal expenses; whereas



deduction of 1/4th or 1/5th ought to have been made. Even nothing has been granted towards future prospects and transportation of dead body. It is also submitted that interest has been awarded only @7.5% p.a., whereas it should be 18% p.a.

4. It is accordingly prayed that the impugned Award be modified and the *“Appellants be awarded compensation of Rs.15 lacs alongwith interest @ 18% p.a.”*

5. No other argument is raised on behalf of the appellants. I have heard Id. Counsel and perused the case file in great detail. I find no merit in the submissions made by learned counsel for the appellants.

6. Perusal of the record of the case shows that it was the pleaded case of the appellants that the deceased was about 30 years old at the time of his death; and prior to the accident, he used to impart tuitions to the children and his annual income was Rs.40,000/- p.a. However, in the Postmortem Report, age of the deceased has been mentioned as 31 years. Admittedly, appellants have produced no proof of age of the deceased. As such, learned Tribunal has correctly taken age of the deceased as 31 years.

7. Furthermore, the claim petition was filed under Section 163-A of the Act. Thus, compensation has to be assessed as per structured formula contained in the Second Schedule of the Act, as per which maximum compensation payable is Rs.5 lakh. Further, in case of death of a victim in the age group of above 30 years but not exceeding 35 years,

deduction of 1/3rd has to be made. In the present case, as deceased was



31 years of age, deduction of 1/3rd has therefore been correctly made towards personal expenses. Accordingly, learned Tribunal had computed the compensation payable to the claimants to Rs.4,26,667/-; by taking income of the deceased as ₹40,000/- per annum to which multiplier of 16 was applied; thereby calculating compensation amount to be Rs.6,40,000/-; out of which deduction of 1/3rd i.e. Rs.2,13,333 was made. In addition, claimants were also awarded Rs.2000/- for funeral expenses, Rs.5000/- for loss of consortium and Rs.2500/- towards loss of estate; thereby granting total compensation of ₹4,36,167/-.

8. Keeping in view the above said factual and legal position, no ground is made out to interfere in the impugned Award. The present appeal is accordingly **dismissed**.

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

29.10.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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