IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3423-2025
Date of Decision: 02.09.2025

SURENDER KAUR

....Appellant

Versus

PARVEEN KUMAR ALIAS BINNI AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. S.S. Gill, Advocate
for the appellant.
(Through Video Conferencing)

Parmod Goyal, J.

CM-10921-CII-2025 and CM-10922-CII-2025

Appellant vide his two separate applications, one under Section 151 CPC and another under Section 5 of Limitation Act has sought condonation of delay of 174 days in re-filing the appeal as well as condonation of delay of 1 day in filing the appeal.

For the reasons stated in both the applications, application for condonation of delay of 174 days in re-filing the appeal as well as application for delay of one day in filing the appeal are allowed, subject to just exceptions.

Main Case

Present appeal has been preferred by the claimant/appellant being aggrieved by the Award dated 17.07.2024, passed by Motor Accidents Claims Tribunal, Kurukshetra (hereinafter referred as 'Tribunal'), vide which compensation of Rs.14,07,743/- was awarded along with interest @7.5% p.a. to the claimant/appellant.

2. Claimant/appellant is dependent wife of deceased Narinder Singh, who had died in motor vehicular accident dated 27.05.2020, on account of rash and negligent driving of Truck bearing No.HR-69A-0664 by respondent No.1.

3. Dissatisfied by the award of compensation by learned Tribunal, claimant has sought enhancement of compensation to Rs.30,00,000/-.

4. It was the case of claimant/appellant that deceased Narinder Singh was driver of Canter bearing Registration No.HR-45A-4025 and was also doing work of dairy farming, thereby earning Rs.30,000/- per month. Learned Tribunal after considering evidence of PW2-Sukhdev Singh, who had asserted to have engaged deceased Narinder Singh as driver on his Canter concluded that deceased was a driver and by taking minimum wages payable to driver concluded monthly income of deceased to be Rs.9,319/- as employer could not place any material to conclude actual amount being paid. Future prospects of 40% were added as deceased was taken to be 26 years old at the time of his death in view of the postmortem report. 50% deduction was made as mother alone was dependent upon deceased and by applying multiplier of 17 keeping in view age of deceased, total loss of dependency calculated by Tribunal was Rs.13,30,743/-. Apart from the loss of dependency an amount of Rs.16,500/- was granted for loss of estate and Rs.16,500/- towards funeral expenses. Claimant was also granted consortium amounting to Rs.44,000/-. Accordingly, total compensation of

Rs.14,07,743/- has been awarded.

5. Total compensation awarded by learned Tribunal as follows :-

1.	Monthly Income of the deceased	Rs.9,319/-
2.	Annual Income of the deceased	Rs.1,11,828/- (9,319x12)
3.	Future Prospects @ 40% (since deceased was 26 years of age)	Rs.44,731.20/- $\frac{(1,11,828 \times 40)}{100}$
4.	Total Annual Income	(1,11,828 + 44,731) = 1,56,559/-
5.	Deduction for personal and living expenses (½ as the deceased is survived by one dependent)	1,56,559 x ½ + 78,279.50/-
6.	Annual dependency	156559-78,279.50 + 78,279.50 (rounded off as Rs.78,279/-
7.	Multiplier	17
8.	Total dependency	78,279 x 17 + 13,30,743/-
9.	Loss of Estate	Rs.16,500/- (10% enhancement as par Pranay Sethi's case (supra) every 3 years)
10.	Funeral Expenses	Rs.16,500/- (10% enhancement as par Pranay Sethi's case (supra) every 3 years)
11.	Loss of Consortium	Rs.44,000/-
12.	Total Compensation	Rs.14,07,743/-

6. Learned counsel for appellant has argued that learned Tribunal has erred in taking minimum wages as payable to a driver in the year 2020 as income of deceased, whereas deceased was earning Rs.30,000/- per month. However, except for oral assertions made by claimant and that by PW-2, there is no material to conclude that deceased was running a dairy farm and earning Rs.30,000/- per month. In absence of any material to conclude income of deceased, the only option left with learned Tribunal was to take income of deceased on the basis of minimum wages prevalent in 2020, when accident had taken place. The learned Tribunal has adopted minimum wages payable to driver, therefore, no fault with the approach of learned Tribunal can be made.

7. Learned counsel for appellant could not show any error in the determination of compensation payable to appellant/claimant. Appellant/

claimant is the sole dependent, deceased was 26 years old (unmarried) and was not having established income. Therefore, deduction of 50% towards personal expenses, multiplier of 17 and 40% towards future prospects are correctly awarded by learned Tribunal. There is no scope of enhancement in the present case as compensation has been awarded by learned Tribunal in accordance with law.

8. There is no merit in the present appeal, hence is dismissed.

(PARMOD GOYAL)
JUDGE

02.09.2025
chiranjeev

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No