IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

136

FAO-144-2025(O&M)
Date of decision: 22.01.2026

Gurmanpreet Kaur

...Appellant(s)

Vs.

Amarjit Singh & Others

...Respondent(s)

***

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Amandeep Singh, Advocate
for the appellant.

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NIDHI GUPTA, J.

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.23,63,271/- awarded by the Motor Accident Claims Tribunal, Ludhiana (hereinafter 'the learned Tribunal') vide Award dated 03.10.2024 passed in MACP Case No.5 of 2023 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The sole claimant is the minor daughter of deceased Mandeep Kaur, who was 30 years old at the time of accident.

2. Brief facts of the case are that the ld. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Mandeep Kaur had died due to the injuries suffered by her in a motor vehicular accident that took place on 22.10.2022 due to the rash and negligent driving of Car bearing registration No.PB-03-

AD-9966 (hereinafter "the offending vehicle") being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The said compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side. It is submitted that deceased was a Receptionist in a Private Hospital since 2022. The claimant had duly proved on record that the deceased was earning Rs.18,000/- per month by examining PW2 Narinderjit Singh, Manager of the said Hospital. As such, the learned Tribunal has erred in taking income of the deceased as only Rs.12,000/- per month. Furthermore, future prospects should have been granted @ 50%; and interest rate should have been 9%. It is submitted that even no consortium has been awarded to the appellant. It is accordingly prayed that the present appeal be allowed and the impugned Award be modified.

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

5. It is the pleaded case of the claimant/appellant that prior to the accident, the deceased was working as a Receptionist in Eye Care Centre at Doraha and was earning Rs.18,000/- per month. The claimant had examined

PW2 Narinderjit Singh, Manager of Kaddon Eye Care Hospital, who had stated that he knew the deceased who had been working as a Receptionist in the Hospital and was drawing salary of Rs.18,000/- per month. However, no documentary proof was adduced by PW2 to show that deceased was regularly drawing salary of Rs.18,000/- per month. Furthermore, during his cross-examination, he admitted that salary was paid to employees in cash. As such, there was no irrevocable proof of alleged income of the deceased.

6. It is also very curious to note that the same PW2 Narinderjit Singh had also appeared as RW1 on behalf of respondent No.3/Insurance Company. While appearing as RW1, PW2 had produced the Employment Record of deceased Mandeep Kaur, including her Attendance Register and had contradictorily stated that deceased was working on daily wages of Rs.600/- per day; that in May 2022, deceased had been paid Rs.9,300/-; and Rs.11,100/- in June 2022; Rs.14,100/- in July 2022; and Rs.14,700/- in August 2022. Whereas, the same witness while appearing as PW2 on behalf of the claimants had produced Salary Certificate of the deceased (Ex.PW2/A), as per which deceased was drawing salary of Rs.18,000/-. Clearly therefore, the evidence of this witness was utterly unreliable. In these circumstances, the learned Tribunal had correctly assessed notional income of the deceased as Rs.12,000/- per month on the basis of Minimum Wages in the year 2022. I find no error in the same.

7. Age of the deceased was determined to be 30 years on the basis of her Aadhaar Card wherein her date of birth is mentioned to be 20.10.1992. Accordingly, learned Tribunal had made an addition of 40% towards future prospects and correctly applied multiplier of 17. Furthermore, although Claim Petition was filed only on behalf of the appellant, the husband of the deceased was respondent No.4 before the learned Tribunal (and pro-forma respondent No.4 herein). Accordingly, learned Tribunal had made a deduction of 1/3rd towards personal expenses. Under the conventional heads, learned Tribunal had awarded an amount of Rs.15,000/- towards loss of estate; Rs.15,000/- towards funeral expenses; and Rs.40,000/- towards loss of consortium to respondent No.4 husband; thereby granting total compensation of Rs.23,63,271/-. As such, at best, the appellant would be entitled to ₹40,000/– by way of parental consortium.

8. As per judgment of the 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,** it has been 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.

9. This above-said judgment of the Hon'ble Supreme Court has been followed by the Kerala High Court in "**The Managing Director,**

Divisional Controller Versus Alikutty and Others" Law Finder Doc Id # 1885188. Relevant para 18 of the said judgment is reproduced below:-

> *"18. It is to be borne in mind, the accident occurred on 23,2,2019. It is more than 2 ½ years since the respondents 1 to 4 have been knocking at the doors of the Courts seeking compensation on account of the death of the bread-winner. It is trite law that the Tribunal is permitted to do some guess work and also exercise its discretion to fix the reasonable and just compensation, for which there cannot be any straightjacket formula based on mathematical precision. In* ***New India Assurance Company Vs. Vinish Jain and Others [(2018) 3 SCC 619],*** *the Hon'ble Supreme Court has held that if the fixation of compensation is within permissible limits, the courts should normally not interfere with such awards".*

10. Above said view has been reiterated by the Kerala High Court in "**Reliance General Insurance Company Limited Vs. Adila and Others", Law Finder Doc ID # 1921609,** paras 16 and 17 of which read as under:-

> "*16. The other area of dispute is that the Tribunal after awarding compensation under the conventional heads has awarded Rs.75,000/- towards loss of love and affection and Rs.10,000/- awarded towards pain and sufferings.*
>
> *17. In New India Assurance Co., Ltd v. Vineesh.J[2018 (3) SCC 619], the Hon'ble Supreme Court has held that the Appellate Court can permit variation of plus or minus 4 to 5 percent."*

11. From the above, it is clear that in the facts and circumstances of the case, a very just and fair compensation has been awarded to the

appellant. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellant. 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.

12. 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 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."

13. In view of the above, present appeal stands **dismissed**.

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

22.01.2026 **(Nidhi Gupta)**
Sunena **Judge**

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