

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****127****FAO-854-2023 (O&M)****Date of decision: 15.01.2026****Jai Singh and another****...Appellant(s)****Vs.****Pankaj Yadav and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Ashok Kaushik, Advocate for the appellants  
through V.C.

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**NIDHI GUPTA, J.****CM-3473-CII-2023**

Prayer in this application filed under Section 151 CPC is for  
condonation of delay of 26 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is duly  
supported by an affidavit of learned counsel for the applicant/appellant  
No.1, the same is allowed and delay of 26 days in filing the appeal is  
condoned.

**FAO-854-2023 (O&M)**

The present appeal has been filed by the claimants seeking  
enhancement of compensation of Rs.7,00,000/- awarded by Motor  
Accident Claims Tribunal, Palwal (hereinafter "the learned Tribunal") vide  
Award dated 12.09.2022 passed in MACT Case No. RBT-13 dated



27.01.2021 filed under Section 166 of Motor Vehicles Act, (hereinafter “the Act”). The 2 claimants are the parents of the deceased Lokesh, who was about 13 years old at time of accident.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased- Lokesh had died due to the injuries suffered by him in a motor vehicular accident that took place on 11.12.2020 at about 12:00 hours due to the rash and negligent driving of a RITZ Maruti bearing registration No. HR-26BQ-6210 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The Tribunal awarded above said compensation along with interest @ 6% per annum. All the respondents were held jointly and severally liable to pay the amount of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that although learned Tribunal has calculated compensation amount as Rs.8,20,000/- however, lumpsum amount of Rs.7 lacs has been awarded. It is submitted that nothing has been awarded by way of consortium or future prospects. It is accordingly prayed that the present Appeal be allowed; and the impugned Award be modified/enhanced as above.

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



5. It was the pleaded case of the appellants that deceased was 15 years old at the time of accident. However, learned Tribunal had determined the age of the deceased to be 13 years and 3 months on the basis of School Certificate Ex.P3; wherein his date of birth is mentioned as 26.07.2007. Learned Tribunal had further relied upon judgments of Hon'ble Supreme Court in **Rajendra Singh and others vs National Insurance Company Limited and others, 2020 (3) RCR (Civil) 26** - wherein deceased was 12 years old and the Court had awarded compensation of Rs.2.95 lacs; and **Kishan Gopal and another vs Lala and others, 2013 ACJ 2594 (SC)** – wherein deceased was 10 years old and compensation of Rs.5 lacs was awarded; and of this Court in **Shashi Bala vs Sudarshan Kumar and others, 2015 ACJ 1728** – wherein deceased was 17 years old and compensation of Rs.5.00 lacs was awarded. Learned Tribunal, while relying upon the aforesaid decisions, as also keeping in mind the fact that deceased was 13 years old and would be helping hand to his family, had assessed notional income of the deceased as Rs.50,000/-p.a. Learned Tribunal had correctly applied multiplier of 15; thereby calculating compensation of Rs.7.50 lacs. Learned Tribunal had also granted Rs.70,000/- under conventional heads i.e. loss of love and affection, last rites and funeral expenses etc; thereby calculating total compensation to be Rs.8.20 lacs. As the deceased was unmarried, learned Tribunal had made deduction thereupon; and awarded lumpsum amount of Rs.7 lacs.

In cases of the present nature where regular parameters for calculating/computing compensation are not



available, lump sum amount is awarded due to the loss suffered by the claimants. In view of the same, I find that no ground is made out to interfere in the impugned Award, being in conformity with the above referred judgments of Hon’ble Supreme Court and of this Court, which have not been distinguished by learned counsel for the appellants.

6.            Learned counsel for the appellants is unable to controvert or dispute the above said facts and findings, and legal position.
7.            Keeping in view the above factual and legal position, the present appeal is accordingly **dismissed**.
8.            Pending application(s) if any also stand(s) disposed of.

15.01.2026  
Divyanshi

(NIDHI GUPTA)  
JUDGE

Whether speaking/reasoned:      Yes/No

Whether reportable:                Yes/No