



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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FAO-471-2025(O&M)
Date of decision: 11.02.2026

Smt. Sushil @ Sushila & Another

...Appellant(s)

Vs.

Dilbagh & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Kamal Kumar Mor, Advocate
for the appellants.

NIDHI GUPTA, J.
CM-1520-CII-2025

This is an application under Section 5 of Limitation Act for
condonation of delay of 43 days in filing the appeal.

After going through the contents of the application, which is
supported by affidavit of appellant No.2, the same is allowed subject to all
just exceptions and delay of 43 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by the claimants seeking
enhancement of compensation of Rs.16,33,438/- awarded by the Motor
Accident Claims Tribunal, Panipat (hereinafter 'the learned Tribunal') vide
Award dated 28.08.2024 passed in MACP Case No.354 dated 08.09.2022
filed under Sections 140 and 166 of the Motor Vehicles Act (hereinafter



“the Act”). The two claimants are the 40-year-old mother and 42-year-old father of deceased Akshay, who was 17 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 Akshay had died due to the injuries suffered by him in a motor vehicular accident that took place on 06.07.2022 due to the rash and negligent driving of Tractor bearing registration No.HR-11-N-1423 (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 appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.10,243/- per month. It is submitted that the appellants had proven that the deceased was doing private job and was earning Rs.17,000/- per month. It is further submitted that dependency has been assessed @ 50%, which is on the higher side. Adequate multiplier has not been applied. Nothing has been awarded towards pain and suffering. Even the amounts granted under the conventional heads; as also for future income, deserve to be enhanced. Interest of 7.5% also deserved to be enhanced. It is accordingly prayed that the impugned Award be modified.



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. Perusal of record of the case shows that it was the pleaded case of the appellants that prior to the accident, the deceased was doing private job of agriculture pipeline and was earning Rs.17,000/- per month. However, the appellants have failed to lead even one smidgen of evidence to prove the said alleged avocation or income of the deceased. In this circumstance, the learned Tribunal had correctly assessed income of the deceased as Rs.10,243/- per month as that of an unskilled person.

6. As deceased was a bachelor, deduction of 50% was correctly made. Further, age of deceased was determined to be 17 years old at the time of accident, on the basis of Post-Mortem Report (Ex.P17) as also on the basis of Aadhaar Card (Ex.P3), wherein his date of birth is mentioned as 01.01.2005. Accordingly, the learned Tribunal had made an addition of 40% towards future prospects; and correctly applied multiplier of 18. Learned Tribunal had further awarded Rs.48,400/- towards loss of consortium; Rs.18,150/- towards funeral expenses; Rs.18,150/- towards loss of estate; thereby granting total compensation of Rs.16,33,438/-.

7. 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 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. 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.

8. In view of the above, present appeal stands **dismissed**.
9. Pending application(s) if any also stand(s) disposed of.

11.02.2026

Sunena

(Nidhi Gupta)**Judge**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No