



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CM-26536-CII-2025 in/and
FAO-2384-2020 (O&M)
Date of decision: 12.01.2026**

Gurnam Kaur and another

...Appellant(s)

Vs.

Mandeep Singh and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Gurnam Kaur Turka,
the applicant/appellants.

NIDHI GUPTA, J.

CM-26536-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 02.12.2025.

2. Heard.

3. In view of 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 applicant, the main appeal is taken up on Board today itself for disposal.

CM-6570-CII-2020



Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 437 days in filing the accompanying appeal.

2. The only reason cited by learned counsel for the applicant/appellants in para 2 of the application seeking condonation of delay of 437 days is: *“That the appellants had approached the counsel for filing the present appeal. However, they were not having complete case and were asked to bring complete record which took some time. The said delay is bonafide and unintentional.”*

3. The said reason is vague and does not constitute sufficient cause to condone extraordinary delay of 437 days in filing the present appeal.

4. As such, no ground is made out for condoning inordinate delay of 437 days. Present application accordingly stands **dismissed**.

FAO-2384-2020 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.11,64,000/- awarded by the Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as “the learned Tribunal”) vide Award dated 01.08.2018 passed in MACT Case No. 563 dated 18.04.2017 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as “the Act”). The two claimants are the parents of the deceased Sandeep Singh, who was 22 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-Sandeep Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 13.03.2017 due to the rash and negligent driving of Activa Scooter bearing registration No.PB-23W-0822) (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The Tribunal awarded the above compensation along with interest @ 7.5% per annum. All the respondents were held liable to pay the said compensation.

3. The only ground on which learned counsel for the appellants seeks enhancement of compensation is that nothing has been awarded by way of consortium to the appellants. He accordingly prays that the present Appeal be allowed; and the impugned Award be modified/enhanced.

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

5. The case as pleaded by the appellants in the Claim Petition before the learned Tribunal as recorded in para 2 of the impugned Award reads as follows:-

“2. Briefly the case as set up by the claimants in the claim petition is that claimant is mother, while claimant No. 2 is father of deceased Sandeep Singh son of Balvir Singh. It has



been averred that on 13.03.2017 the deceased Sandeep Singh and Mandeep Singh were going on the Activa Scooter bearing registration No. PB-23W-0822 which was being driven by Mandeep Singh respondent No. 1 in rash and negligent manner and Sandeep Singh was pillion rider of the Activa Scooter in question towards village Khubh. At about 1.00 PM when they reached near bridge canal (sua) after crossing Chatarpur, then suddenly one stray dog has appeared in front of the Activa Scooter No. PB-23W-0822. The Activa Scooter bearing No. PB-23W-0822 was driven by respondent No. 1 at a high speed so he could not control the Activa Scooter No. PB-23W-0822 and on account of sudden braking, as a result of which the both the occupants fell down on the road and due to this deceased Sandeep Singh received multiple, simple and grievous injuries on his head while respondent No. 1 received minor injuries and deceased Sandeep Singh was taken to Civil Hospital, Mandi Gobindgarh where Doctor concerned deceased Sandeep Singh declared brought dead. The Activa Scooter No PB-23W-0822 was being driven in a rash and negligent manner at the time of accident and the accident would have been avoid if respondent No. 1. The accident has taken place on account of sole rash and negligent driving of the Activa Scooter No. PB-23W-0822 by respondent No. 1. It is submitted that deceased was 22 years of aged and was enjoying very good health at the time of his death. Deceased was owner and driver of Chotta Hathi and was earning Rs. 20,000/- per month. On account of untimely death of deceased Sandeep Singh future of the claimants went towards dark. After his death there is no one in the family to earn, serve maintain and feed the claimants. Claimants have suffered a great loss of love, affection, care



and protection on account of death of Sandeep Singh and claimants lost their old stick and also their bread winner as all the claimants were fully depending upon the earning of deceased. Claimants have spent more than Rs. 50,000/-on transportation of dead body, funeral and last rites etc. of the deceased. Respondent No. 1 is the driver and respondent No. 2 is owner of Activa Scooter No. PB-23W-0822 while respondent No. 3 is the insurer of the above said Activa Scooter. All the respondents are jointly and severally liable to pay the compensation. Hence, prayed for allowing the claim petition and claimed compensation of Rs. 30,00,000/- with interest at the rate of 18% p.a has been prayed to be allowed.”

6. The relevant findings of the learned Tribunal as contained in para 13 of the impugned Award are as under: -

“13.....After going through the entire record available on the file, this Tribunal is of the considered view that on the basis of testimony/Statement of Claimant Balbir singh examined as CW1 and that of Rajan examined as CW2 it has been established and proved on file that the accident was caused with rash and negligent driving of respondent No.1 when he drove the Activa Scooter bearing registration no. PB-08-W-0822 in such a rash and negligent manner that it struck the scooter with a stray dog and resultantly fell on the road and Sandeep Singh who was sitting pillion, his head struck with road on account of fall of scooter and he sustained injuries and scummed to injuries ultimately.....”

7. However, it is my view that in awarding compensation to the claimants, learned Tribunal has ignored the fact that as per the DDR entry



Ex.C1 lodged by respondent No.1 himself in respect of accident in question, it has been stated that the accident had occurred due to natural circumstances, which were beyond human control. Moreover, it would appear from the Memo of Parties that respondent No.1, who was driving the offending vehicle is another son of the claimants.

8. As regards the quantum of compensation, it is evident from the record that the appellants were unable to prove the alleged income of Rs.20,000/- of the deceased. As such, learned Tribunal had taken his income as a skilled worker @ Rs.7,500/- p.m. on the basis of relevant Minimum Wage Notification issued by the Government. As deceased was a bachelor, deduction of 50% was correctly made; thereby calculating monthly income of the deceased to be Rs.3,750/-. Age of the deceased was determined to be 22 years old at the time of accident. Learned Tribunal had therefore, made addition of 40% towards future prospects; and correctly applied multiplier of 18; thereby calculating compensation as Rs.11,34,000/- ($\text{Rs.3,750} + \text{Rs.1,500} = \text{Rs.5,250} \times 12 \times 18$). Under the conventional heads, the Tribunal has awarded Rs.15,000/- towards funeral expenses; and Rs.15,000/- towards loss of estate; thereby granting total compensation of Rs.11,64,000/- ($\text{Rs.11,34,000} + \text{Rs.15,000} + \text{Rs.15,000}$).

9. It has been argued on behalf of the appellants that nothing has been awarded by way of consortium. In this regard, it is to be pointed out that the learned Tribunal had held that the claimant no.2 being the 51-year-old father of the deceased, and Class II heir, was not entitled to

compensation. It may be pointed out that in the present Grounds of



Appeal, no challenge has been laid by the appellants to the claimant No.2 being held not entitled to compensation. As such, at best, only the claimant no.1/mother of the deceased would be entitled to consortium. However, 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, has 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.

10. 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 strait-jacket 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".*

11. 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.”*

12. Learned counsel for the appellants is unable to controvert or dispute the above said facts and findings, and legal position.

13. Keeping in view the above factual and legal position, no ground is made out to interfere in the impugned Award. The present appeal is accordingly **dismissed**, on merits as well as on grounds of delay.

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

12.01.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

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