

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****186****FAO-253-2025(O&M)****Date of decision: 05.03.2026****Shakuntla Devi & Others****...Appellant(s)****Vs.****Rahul & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- None.***********NIDHI GUPTA, J.**

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.14,23,670/- awarded by the Motor Accidents Claims Tribunal, Chandigarh (hereinafter 'the learned Tribunal') vide Award dated 20.11.2024 passed in MACP Case No.732 dated 15.10.2022 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 6 claimants are the 49-year-old widow, 27-year-old son, 22-year-old daughter, 16-year-old son, 74-year-old father, and 70-year-old mother of deceased Purushotam Dass, who was 54 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 Purushotam Dass had died due to the injuries



suffered by him in a motor vehicular accident that took place on 31.08.2022 at about 6:30 pm due to the rash and negligent driving of motorcycle bearing registration No.PB-11-CL-4714 (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% per annum. Respondents were held jointly and severally liable to pay the compensation amount.

3. The present appeal was filed on 14.01.2025. Order sheets show that Notice is yet to be issued as, since the inception, the matter has been adjourned either at request of or due to non-appearance on behalf of the appellants. Even today, there is no representation on behalf of the appellants. In view of the same, the present appeal is being disposed of in the absence of learned counsel for the appellants.

4. Perusal of Grounds of Appeal shows that enhancement of compensation is sought on the ground that income of the deceased has been taken on the lower side as Rs.10,098/- per month as an unskilled worker; whereas the appellants had proved that deceased was working in a rice mill and getting salary of Rs.12,500/- per month. It is alleged that the appellants had also proved that deceased was having four-and-a-half acres of agricultural land from where also he was earning Rs.12,500/- per month.

5. It has further been pleaded in the present Grounds of Appeal that Rs.1 lakh each ought to have been awarded under the head of love and



affection; that the learned Tribunal has not awarded compensation under the category of legal fee, which should have been awarded @ Rs.35,000/-; interest ought to have been awarded @ 9% instead of 7%. Accordingly, modification of the Award is prayed for.

6. However, a perusal of the record shows that the appellants had failed to produce any document regarding the alleged employment of the deceased in the Rice Mill at Mulana. On the contrary, claimant No.1 while appearing as PW2 had admitted the above-said fact that claimants had failed to adduce any evidence to prove that deceased was employed in the Rice Mill at Mulana. PW2 has further admitted that as per the Jamabandis (Ex.P14 and Ex.P15), claimant No.5/father of the deceased is shown to be owner of the agricultural land. PW2 further admitted that the said land has now been given on lease to one Pawan Kumar. Thus, from the above evidence, it was clearly established that the appellants had failed to prove the alleged employment of the deceased in the Rice Mill at Mulana and had also failed to prove the alleged income of deceased as Rs.12,500/- per month. The appellants had also admitted that the agricultural land allegedly in the ownership of the deceased had been leased out to Pawan Kumar; and therefore, no loss of income had been caused to the appellants. It is to be seen that the appellants had also failed to adduce any documentary evidence of the said incomes of the deceased in the form of Income Tax Return or Statement of Bank Account, etc. In these



circumstances, the learned Tribunal had correctly assessed income of the deceased as Rs.10,098/- per month on the basis of Minimum Wages Notification dated 14.10.2022 issued by the Labour Department, Haryana applicable with effect from 01.07.2022. I find no error in the same.

7. Age of the deceased was determined to be 54 years at the time of accident on the basis of his Post-Mortem Report (Ex.P13). Learned Tribunal had therefore correctly made an addition of 10% towards future prospects; and correctly applied multiplier of 11. Keeping in view the number of claimants, the learned Tribunal has made a deduction of 1/4th towards personal expenses. Under the conventional heads, the learned Tribunal has awarded an amount of Rs.18,000/- towards loss of estate; Rs.18,000/- towards funeral expenses; Rs.48,000/- to claimant No.1 for spousal consortium; Rs.48,000/- each to claimants No.2 to 4 towards parental consortium; and Rs.48,000/- each to claimants No.5 and 6 for loss of filial consortium; thereby granting total compensation of Rs.14,23,670/-.

8. 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.

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

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

05.03.2026

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No