IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-1758-2023(O&M)
Date of decision: 09.04.2026

Om Parkash & Another

...Appellant(s)

Vs.

Gajender Singh & Others

...Respondent(s)

***

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vijay Sangwan, Advocate
for the appellants.

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NIDHI GUPTA, J.

CM-6580-CII-2023

This is an application under Section 5 of Limitation Act for condonation of delay of 41 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of the appellant No.1, the same is allowed subject to all just exceptions and delay of 41 days in filing the appeal is condoned.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.24,50,000/- awarded by the Motor Accident Claims Tribunal, Narnaul (hereinafter 'the learned Tribunal') vide Award dated 08.09.2022 passed in MACP CIS No.511 dated 23.10.2019 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 3 claimants are the 53-year-old father, 50-year-old mother and 19-year-old brother of deceased Ashu Aggarwal, who was 27 years old at 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 the deceased Ashu Aggarwal had died due to the injuries suffered by him in a motor vehicular accident that took place on 30.07.2019 due to the rash and negligent driving of Car bearing registration No.HR-35G-1001 (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.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that whole approach of the learned Tribunal is totally wrong and arbitrary. Learned Tribunal has completely failed to appreciate the evidence in this case and the Award passed by learned Tribunal is liable to be set aside. The learned Tribunal has grossly erred by passing impugned judgment which is totally based on conjectures and is liable to be set aside. It is accordingly submitted that *"the present appeal may kindly be allowed and the award dated 08.09.2022 passed by learned Motor Accident Claims Tribunal, Narnaul may kindly be set-aside and the claim*

petition filed by the appellants may kindly be accepted, in the interest of justice.”.

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. At the outset, it may be pointed out that prayer in the present Grounds of Appeal is for “setting aside” the impugned Award. No prayer has been made for enhancement of compensation. For this short reason, no ground is made out for enhancing the compensation already paid to the appellants.

6. Even otherwise, record reveals that no ground is made out for enhancement of compensation. As per the claimants, the deceased was running a shop of photostat and lamination, etc. and was earning Rs.40,000/- per month. To prove their said contention, the appellants had produced “*PW3, Jai Parkash, Senior Tax Inspector has brought the summoned record and proved the Income Tax Return of Ashu Aggarwal as Ex.P1 to Ex.P7. A perusal of Income Tax Returns Ex.P1 to Ex.P7 shows that deceased Ashu Aggarwal was continuing filed his income tax returns. Ex.P6 is related to Assessment Year 2018-19 which was filed by deceased on 31.8.2018. Ex.P7 is related to Assessment Year 2019-20 which was filed on 28.8.2019 i.e. after the death of deceased Ashu Aggarwal. Therefore, Ex.P6 is taken to assess the income of deceased. Ex.P6 reflects the gross total annual income of deceased*

as Rs.2,00,000/-." Accordingly, the learned Tribunal had assessed income of the deceased as Rs.2 lakh per annum, on the basis of Income Tax Return (Ex.P6) for the Assessment Year 2018-19. I find no error in the same.

7. Age of the deceased was determined to be 27 years on the basis of his Income Tax Returns (Ex.P1 to Ex.P7) and Post-Mortem Report. Accordingly, learned Tribunal had correctly made an addition of 40% towards future prospects; and correctly applied multiplier of 17. As the deceased was a bachelor, deduction of 50% has been correctly made towards personal expenses. Further, under the conventional heads, the learned Tribunal has awarded Rs.15,000/- towards loss of estate; Rs.15,000/- towards funeral expenses; and Rs.40,000/- towards loss of love and affection; thereby granting total compensation of Rs.24,50,000/-.

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. Learned counsel for the appellants is unable to dispute or controvert the aforesaid facts and findings.

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

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

09.04.2026 **(Nidhi Gupta)**
Sunena **Judge**

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