

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****256****FAO-643-2024(O&M)****Date of decision: 11.02.2026****Bala Devi & Another****...Appellant(s)****Vs.****Sandeep & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Mohit, Advocate
Mr. Pavitra, Advocate
Mr. Sachin, Advocate
Mr. Bharat, Advocate
for the appellants.

*********NIDHI GUPTA, J.**

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.12,79,600/- awarded by the Motor Accident Claims Tribunal, Bhiwani (hereinafter 'the learned Tribunal') vide Award dated 15.11.2023 passed in MACP Case No.148 dated 28.04.2021 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 2 claimants are 39-year-old mother and 42-year-old father of deceased Bhupender Singh @ Aakash, who was 16 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 Bhupender Singh @ Aakash had died due to the



injuries suffered by him in a motor vehicular accident that took place on 14.03.2021 due to the rash and negligent driving of Haryana Roadways Bus bearing registration No.HR-63B-9133 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.3 and insured by respondent No.4. The said compensation has been awarded along with interest @ 7.5% per annum. Respondents No.1 to 4 were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that the learned Tribunal has failed to award Rs.2 lakh spent by the appellants on the treatment and transportation of the dead body and last rites of the deceased; and has only awarded a meagre amount of Rs.15,000/- towards funeral expenses. Even the amount of Rs.40,000/- granted towards filial consortium is very less. Deduction of 50% made towards personal expenses is on the higher side.

4. Ld. Counsel submits that the Ld. M.A.C.T. Bhiwani failed to appreciate the fact that the deceased Bhupender Singh was admitted in the Kaddam Hospital, Bhiwani soon after the accident and thereafter he was shifted to Bharadwaj Hospital, Bhiwani and thereafter Bhupender Singh was admitted to PGIMS Rohtak. The accident happened on 14.03.2021 and injured Bhupender Singh died on 21.03.2021. However, Ld. M.A.C.T. Bhiwani erroneously failed to appreciate this fact and did not award any amount on the account of treatment, transportation of injured/deceased



from place of occurrence to hospital etc. In the claim petition, amount of Rs. 2,00,000/- was claimed on account of treatment & transportation of dead body and last rites etc. Even in the cross-examination of PW 3 (HC Sandeep) examined before Ld. M.A.C.T. Bhiwani, it has been squarely deposed that the Rukka was received from PGIMS Rohtak. However, Ld. M.A.C.T. Bhiwani only awarded the amount of Rs. 15,000/- towards the funeral expenses and did not award any amount towards the treatment & transportation of the injured/ deceased Bhupender Singh alias Aakash. It is submitted that Hon'ble Supreme Court of India in **Master Ayush v. Branch Manager, Reliance General Insurance Co. Ltd., 2022(7) SCC 738** considering the situation of injured, awarded the sum of Rs. 2,00,000/- as conveyance charges wherein the claim of conveyance charges was rejected by the learned Tribunal on the premise of not producing the taxi driver. In such circumstances, it was just & proper for the Ld. M.A.C.T. Bhiwani to award amount of Rs. 2,00,000/- for the treatment & transportation of injured / deceased Bhupender Singh alias Aakash.

5. Learned counsel also submits that the learned Tribunal has failed to appreciate that the deceased was the only son of the family and has left behind two unmarried sisters, who were dependent upon the deceased. It is submitted that the learned Tribunal ought to have awarded some amount on that account also as deceased would have contributed to the marriage of his sisters. It is further submitted that deduction of 50% has



been made on the higher side as in actual fact, there were four dependents upon the deceased being the two parents and his two unmarried sisters. Thus, deduction of $1/4^{\text{th}}$ should have been made towards personal expenses. It is submitted that keeping in view the above facts, Rs.2 lakh each should have been awarded on account of loss of love and affection to all the four dependents. It is accordingly prayed that the present appeal be accepted and compensation of Rs.50 lakh along with interest @ 18% per annum may be granted.

6. 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.

7. It was the pleaded case of the appellants before the learned Tribunal as recorded in Para 2 of the impugned Award that:-

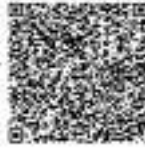
"2. The facts in brief, as per claim petition, are that on 14.03.2021 Bhupender Singh alias Aakash, since deceased alongwith his grandmother namely Smt. Santra Devi had gone to village Rattanthal Bass, to attend the marriage in relations. It is averred that on 16.03.2021 they were returning to their house in Haryana Roadways bus bearing registration No.HR-63B-9133 of Jhajjar Depot. It is further averred that at about 5.00 PM when the bus reached at Bus stand of village Bamla, Smt. Santra Devi and some passengers alighted there from the bus. It is further averred that when Bhupender Singh alias Aakash was in the process of alighting from the bus, the respondent No.1 suddenly started the bus in a rash, high speed and in negligent manner,



without caring about the fact whether the passengers have alighted or not, as a result thereof, Bhupender Singh alias Aakash fell down and was ran over by rear tyre of the bus. It is further averred that he was shifted to 'Kaddam Hospital', Bhiwani, from there he was referred to 'Bhardwaj Hospital', Bhiwani and was further referred to PGIMS Rohtak, where he succumbed to the injuries on 21.03.2021 suffered in the aforesaid accident. It is further averred that on the basis of complaint moved by Umed Singh, FIR No. 172 dated 21.03.2021, under Sections 279/304-A IPC was registered with Police Station Sadar, Bhiwani against respondent No.1.

It is further averred that Bhupender Singh alias Aakash, since deceased, was 16 years of age at the time of accident. He was a student of 10th class; also used to do tuitions and agricultural work; thus was earning Rs.25,000/- per month. It is further averred that as the present accident had occurred due to sole rash and negligent driving of Haryana Roadways bus bearing registration No.HR-63B-9133 by respondent No.1, therefore, the respondent No.1, being driver, respondents No.2 and 3 being owners and respondent No.4 being insurer, are liable jointly and severally to pay compensation to the petitioners."

8. As noted above, it was the claim of the appellants that deceased was doing tuition and agricultural work and earning Rs.25,000/- per month. However, the appellants have failed to adduce any evidence whatsoever in this regard. In fact, during his cross-examination, claimant No.2 while appearing as PW2 has admitted that he has no proof regarding income of



deceased. Ld. Tribunal took into account various documentary evidence in the form of Certificates (Ex.P12 and Ex.P13) to deduce that deceased had participated in District Level Standard Judging Camp, Red Cross Training, etc. and that he was an excellent student. Accordingly, his income was assessed as Rs.8,000/- per month. I find no error in the same.

9. Further, age of deceased was determined to be 16 years at the time of accident, on the basis of his Birth Certificate (Ex.P9), in which his date of birth is mentioned as 10.01.2005. Accordingly, the learned Tribunal had made an addition of 40% towards future prospects; and correctly applied multiplier of 18. As deceased was unmarried at the time of accident, deduction of 50% has been correctly made towards personal expenses. Learned Tribunal had further awarded Rs.40,000/- towards filial consortium; Rs.15,000/- towards funeral expenses; and Rs.15,000/- towards loss of estate; thereby awarding total compensation of Rs.12,79,600/-.

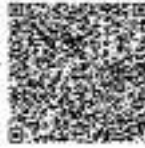
10. The contention of the appellants that deduction of 1/4th ought to have been made as the two unmarried sisters of the deceased were also dependent upon him, is liable to be outrightly rejected as admittedly, the claimant No.2 is the 42-year-old father of the deceased. Needless to say, sisters of the deceased/daughters of the claimants would be first dependent upon their father and then on their deceased 16-year-old brother. Furthermore, the said sisters have not been arrayed as even pro-forma respondents, either before the Tribunal or before this Court.



11. As regards, transportation and medical expenses, no evidence has been adduced by the appellants in this regard. Only evidence produced by the appellants is at page 113 of the LCR, which is as under:-

“9-That the petitioners are the only legal heirs of the deceased. OPD Slip No. 35208 dated 16-03-2021 of Kadam Multispecialty Hospital, Bhiwani is Ex-P-1. Certified Copy of Attested Copy of PMR is Ex-2. Death Certificate is Ex-P3. Remand paper is EX-P-4. FIR is EX-P-5. Adhar Card of the petitioner no.2/deponent Umed Sigh is Ex-P-6 Adhar Card of the petitioner no.1 Bala Devi is Ex-P-7. Adhar Card of the Bhupender @ Aakash (since deceased) is Ex-P-8. The original copy of date of birth Certificate dated 10-01-2005 is Ex-P.9. The copy of Haryana Resident Certificate is Ex-P10. Copy of Family ID is Ex-P-11. The copy of The Haryana State Bharat Scouts and Guide Certificate is Ex-P-12. The copy of Red Cross Society Participation Certificate is Ex-P-13. Copy of School Transfer Certificate is Ex-P-14. Copy of jamabandi for the years 2017-18 is Ex-P15 Copy of Mutation is Ex-P16. During the pendency of the petition my mother Smt. Santra Devi has also expired on dated 31-12-2022. The death certificate is Ex-P-17.”

12. 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 appellant. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellant. 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.

13. A 3-Judge Bench judgment of the Hon'ble Supreme Court in the case of "**Reshma Kumari v. Madan Mohan (SC) 2013(5) Scale 160; Law Finder Doc ID # 421379**"; has held that: "*Motor Vehicles Act, 1988, Section 168 - Section 168 provides that amount of compensation awarded by the Claims Tribunal which appears to it to be just - The expression, 'just' means that the amount so determined is fair, reasonable and equitable by accepted legal standards and not a forensic lottery - Obviously 'just compensation' does not mean 'perfect' or 'absolute' compensation - The just compensation principle requires examination of the particular situation obtaining uniquely in an individual case.*"

14. The judgment of **Master Ayush (supra)** relied upon by learned counsel for the appellants is distinguishable on facts and law.

2026:PHHC:021274



FAO-643-2024

Page 9 of 9

15. In view of the above, present appeal stands **dismissed**.
16. 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