



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

217

Date of decision: 13.02.2026

1. FAO-1263-2025 (O&M)  
Mamta Devi and another

...Appellant(s)

Vs.

Satta Ram and others

...Respondent(s)

AND

2. FAO-1198-2025 (O&M)  
Sanjeev Kumar and another

...Appellant(s)

Vs.

Satta Ram and others

....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Nikita Sharma, Advocate for  
Mr. Deepak Jaglan, Advocate for  
the appellant(s).

\*\*\*

NIDHI GUPTA, J.

CM-3743-CII-2025 in FAO-1263-2025

Prayer in this application filed under Section 5 of the  
Limitation Act read is for condonation of delay of 09 days in filing the  
accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is  
supported by an affidavit of the applicant/appellant No.1, the same is



allowed and delay of 09 days in filing the accompanying appeal is condoned.

**FAO-1263-2025:**

The present appeal has been filed by the claimants no.1 and 2 seeking enhancement of compensation of Rs.13,77,000/- granted by the learned MACT, Kaithal vide Award dated 21.10.2024 passed in MACT Case No. 25 dated 25.05.2022 filed under Section 166 of the Motor Vehicles Act. The 2 appellants are the parents of the deceased Suresh, who was 30 years old at the time of accident.

**FAO-1198-2025:**

The present appeal has been filed by the claimants No. 3 and 4, whereby learned MACT, Kaithal has rejected compensation qua them vide Award dated 21.10.2024 passed in MACT Case No. 25 dated 25.05.2022 filed under Section 166 of the Motor Vehicles Act. The present appellants are the 32-year-old brother; and 37-year-old married sister of the deceased Suresh, who was 30 years old at the time of accident.

2. The learned Tribunal upon appraisal of the pleadings, and the oral and documentary evidence adduced by the parties, concluded that deceased-Suresh had died due to the injuries suffered by him in a motor vehicular accident that took place on 28.02.2022 at 08:45 A.M. due to the rash and negligent driving of a Truck bearing registration No. RJ-19GD-4977 (hereinafter referred to as 'the offending vehicle'), which was driven by respondent No.1; owned by respondent No.2; and insured by respondent

No.3. The above said compensation was granted by the learned Tribunal



alongwith interest @ 7% per annum from the date of institution of the claim petition till realisation. Liability to pay compensation amount was fixed upon owner and driver/respondents No.1 and 2 on the ground that the offending vehicle is a transport vehicle containing hazardous material and respondent No.1 did not have proper driving license authorizing him to drive said vehicle.

**FAO Nos.1263 and 1198 of 2025 (O&M)**

Both the above said appeals are being decided by this common order as parties in both the appeals are same; both appeals pertain to the same accident dated 28.02.2022; are against the same Award dated 21.10.2024 passed by learned MACT, Kaithal; and the facts and issues involved in both the cases are identical. For the sake of facility, facts are being drawn from **FAO-1263-2025** titled as **Mamta Devi and another vs. Satta Ram and others.**

2. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been assessed on the lower side as only Rs.10,000/- per month as that of an unskilled labourer. It is submitted that the appellants had proved on record that prior to the accident, deceased was a plumber and was earning Rs.20,000-Rs.25,000/- p.m. The appellants had also produced PW3 Akshay Kumar, employer of the deceased who had duly testified that deceased was working as plumber in his shop for the last 10 years and was earning Rs.20,000-Rs.25,000/- per month. PW3 has also placed on record writing dated 22.07.2023 affirming the above said facts. Learned counsel contends



that in these circumstances, income of the deceased could not have been taken as only Rs.10,000/- p.m. It is submitted that atleast income of the deceased ought to have been taken as that of a skilled worker.

3. Learned counsel submits that claimants are entitled to enhanced compensation also on the ground that it was proved on record that the deceased was 30 years old at the time of accident. Therefore, multiplier of 17 should have been applied; whereas learned Tribunal has applied multiplier of 16. It is submitted that the claimants were entirely dependent upon the income of the deceased.

4. Learned counsel further submits that the learned Tribunal is in error in holding that the Claim Petition was not maintainable **qua appellants in FAO-1198-2025/** claimants No. 3 and 4/brother and sister of the deceased as it failed to appreciate that the present case falls under the purview of beneficiary legislation and depends on the preponderance of probability. It is accordingly prayed that the claimants No.3 and 4 be declared entitled to compensation being legal representatives and heirs of the deceased; and compensation be enhanced further.

5. No other argument is made by Id. counsel for the appellants. I have heard Id. counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of learned counsel for the appellants.

6. It is the contention on behalf of the appellants that income of the deceased has been taken on the lower side as only Rs.10,000/- p.m. as

that of an unskilled labourer; whereas appellants had duly produced PW3



Akshay Kumar, Proprietor of M/s. Singla Enterprises, who was employer of the deceased; and had testified that the deceased was working with him as plumber about 10 years and was earning Rs.20,000 to Rs.25,000/- p.m. However, the testimony of the said witness has been rightly discarded by the learned Tribunal as PW3 in his cross-examination had admitted that despite the fact that deceased was allegedly working with him for 10 years, he had no record to prove the employment of the deceased; no employment letter or any other proof of employment was produced; no ESI or PPF were shown to have been subtracted from the salary of the deceased. On the contrary, PW3 admitted that he had never paid salary to the deceased through transfer and even admitted that he did not know how or how much salary was being paid to the deceased. Mode of payment and bank account details of the deceased to reflect transfer of salary, were not produced by appellants. Thus, appellants failed to prove alleged employment or income of the deceased.

7. Rather, it has come on record that as per the Family ID of the deceased and his parents Ex.R3, which was issued on 05.04.2021, deceased was shown to be “unemployed”. It may also be pointed out that in contradiction of all the above claims made by the claimants, in the present Grounds of Appeal in FAO-1263-2025, appellants have stated as under:-

*“6. That the Ld. Tribunal by passing the impugned order did not appreciate the fact that the deceased son of the claimant had an income of approximately Rs. 50,000/-per month by working as a plumber at the Shop and privately after working hours as specified by the owner of the shop and, further the Ld.*



*Tribunal ought to have awarded the claim amount as claimed in the claim petition or above and also cultivated one acre of land owned by his father.”*

8. Keeping in view all the above said factors, learned Tribunal had taken deceased as a petty labourer and had assessed his income as Rs.10,000/-p.m. on the basis of minimum wages payable at the relevant time in the year 2022. I find no error in the same.

9. The second contention on behalf of the appellants that multiplier has been wrongly applied, is also incorrect as age of the deceased was proved to be 30 years 2 month at the time of accident on the basis of his Aadhar Card Ex.P10 and PAN Card Ex.P11; wherein date of birth of the deceased is mentioned as 01.01.1992. In this view of the matter, multiplier of 16 is also correctly applied.

10. It has thirdly been contended by learned counsel for the appellants that claim for compensation of the claimants No. 3 and 4 has been wrongly denied. However, learned counsel for the appellants has admitted that claimant No.3 is 32 years old brother; and claimant No.4 is 37 years old married sister of the deceased. In respect of claimant No.3, learned counsel for the appellants had failed to prove his financial dependency upon his younger brother/the deceased. As regards, claimant No.4, position in law is well settled in view of the judgment passed by Hon’ble Supreme Court in **Deep Shikha v. National Insurance Company Ltd., (SC) : Law Finder Doc Id # 2729764** wherein it is held that

*“Compensation under the Motor Vehicles Act, 1988 - Married daughter of*



*deceased not entitled to compensation for loss of dependency unless proven financial dependency.”*. In the present case, the said claimant no.4 is the married sister of the deceased.

11. Thus, Learned Tribunal has correctly taken income of the deceased as Rs.10,000/- p.m. As deceased was more than 30 years old at the time of accident, Id. Tribunal has correctly made addition of 40% towards future prospects; and Multiplier of 16 is correctly applied. Admittedly, deceased was a bachelor at the time of accident. Therefore, deduction of 50% is correctly made towards personal expenses. Learned Tribunal has further awarded Rs.16,500/- towards funeral rights and transportation; and Rs.16,500/- for loss of estate; thereby awarding total compensation of Rs.13,77,000/-. Learned Tribunal has further directed that the said compensation of Rs.13,77,000/- be divided between claimants No.1 and 2 in equal shares i.e. Rs.6,88,500/- each; and claim petition qua claimants No.3 and 4 was rightly dismissed.

12. Before parting, it may be pointed out that learned counsel for the appellant has made no prayer for grant of consortium to the appellants either in the Grounds of Appeal or at the stage of arguments. Therefore, this Court cannot grant more than what is prayed for. In any event, the Hon’ble Apex 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."*

13. Keeping in view the above factual and legal position, no ground is made out to interfere in the impugned Award. The present Appeals are accordingly **dismissed**.

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

**13.02.2026**  
Divyanshi

**(NIDHI GUPTA)**  
**JUDGE**

|                                   |               |
|-----------------------------------|---------------|
| <b>Whether speaking/reasoned:</b> | <b>Yes/No</b> |
| <b>Whether reportable:</b>        | <b>Yes/No</b> |