



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.2239 of 2023
Date of decision : 08.04.2026**

Anu and others

....Petitioners

Versus

Rafiq and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Akshay Mehra, Advocate for
Mr. Ajay Ghangas, Advocate
for the appellants.

Mr. Gopal Mittal, Advocate
for respondent No.3/Insurance Co.

PANKAJ JAIN, J. (ORAL)

Claimants seek enhancement of compensation.

2. Claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 by the legal heirs of Bhoopendera Singh, who died in a motor-vehicular accident, dated 25.11.2019 at the age of 24 years.

3. As per the claimants, the deceased was working as a Conductor in Matsya Petrochem Company, Panipat on a monthly salary of Rs.17,500/-. The Tribunal awarded compensation of Rs.27,91,600/-.

4. The primary issue raised by the appellants in the present appeal is regarding monthly salary of the deceased.

5. As per the appellants, the claimants produced salary certificate, Mark-A to prove that the deceased was employed as a Conductor with



Matsya Petrochem Company, Panipat and was earning Rs.17,500/- per month, yet the Tribunal has taken his income as Rs.12,000/- per month.

6. Counsel submits that the Tribunal ought to have assessed the compensation considering the proved salary of deceased @ Rs.17,500/- per month.

7. Per contra, Mr. Mittal submits that the salary certificate was never exhibited. The same remained a marked document which cannot be read into evidence. Even as per the minimum wages notified by State under Minimum Wages Act, a highly skilled workman was getting minimum wages of Rs.11,266/- per monthly. Tribunal thus rightly awarded compensation to the claimants taking monthly salary of the deceased as Rs.12,000/- per month.

8. I have heard counsel for the parties and have carefully gone through records of the case.

9. Counsel for the appellants is not in position to dispute that the salary certificate is a marked document and was never exhibited. However, at the same time, the Court cannot shut eyes to the fact that licence of the deceased, Exhibit P-1, demonstrates that he was licensed to drive 'Transport Vehicle'.

10. In view thereof, this Court finds that the employment of the deceased, cannot be doubted. PW-1 in her affidavit testified that her husband was getting salary of Rs.17,500/- per month.



11. In these circumstances, this Court finds that the Tribunal ought not have discarded the salary certificate (Mark-A) merely for non-examination of author thereof.

12. In view of above, this Court finds that the present appeal merits acceptance.

13. The salary of the deceased is taken to be Rs.17,500/- per month. The compensation be awarded accordingly.

14. Tribunal awarded Rs.40,000/- on account of loss of consortium only to appellant No.1. The same needs to be awarded to each of the claimants. Thus, each of the claimants is held entitled for an amount of Rs.48,000/- on account of loss of consortium. An amount of Rs.15,000/- awarded under the head of loss of estate and Rs.15,000/- awarded towards funeral expenses are enhanced to Rs.18,000/- each.

15. Rest of the award is maintained.

16. Needless to say, anything already paid to the appellants/claimants shall be set off.

17. With the aforesaid modification in the impugned award, the appeal is disposed off.

April 08, 2026

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No