

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****129****FAO-1901-2023(O&M)****Date of decision: 24.02.2026****Smt. Krishna & Others****...Appellant(s)****Vs.****Satyawan @ Satta & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Parbeen Kumari, Advocate for
Mr. Amit Kumar Jain, Advocate
for the appellants.

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

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.18,95,725/- awarded by the Motor Accident Claims Tribunal, Jind (hereinafter 'the learned Tribunal') vide Award dated 07.11.2022 passed in MACP Case No.285 dated 08.11.2019 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 5 claimants are the 75-year-old mother, 35-year-old widow, 15-year-old daughter, 13-year-old daughter and 9-year-old son of deceased Umesh, who was 38-39 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 Umesh had died due to the injuries suffered by



him in a motor vehicular accident that took place on 04.09.2019 due to the rash and negligent driving of Car bearing registration No.HR-90-3327 (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. The only ground on which learned counsel for the appellants seeks enhancement of compensation is by submitting that nothing has been awarded to the claimant No.1/mother of the deceased by way of parental consortium.

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. Perusal of the record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that prior to the accident, the deceased was an agriculturist and doing dairy milk business and earning Rs.60,000/- per month. However, except for Jamabandi for the year 2017-18 (Ex.P-30), the claimants had failed to adduce any other documentary evidence in this regard. Even Form-J was not produced by the claimants to show that deceased was selling any crop. No other evidence was adduced to show any income from dairy milk business. As such, Tribunal had correctly



assessed income of the deceased as Rs.9025/- per month as an unskilled labourer on the basis of Minimum Wage Notification dated 12.09.2019 applicable with effect from 01.01.2019 issued by the State of Haryana.

6. Further, age of the deceased was determined to be 38 years at the time of accident on the basis of his Matriculation Examination Certificate (Ex.P13) in which his date of birth is mentioned as 12.04.1981. Accordingly, the learned Tribunal had made an addition of 40% towards future prospects; and correctly applied multiplier of 15. As there were 5 claimants, learned Tribunal had correctly made a deduction of 1/4th towards his personal expenses. Under the conventional heads, the learned Tribunal has awarded an amount of Rs.15,000/- towards funeral expenses; Rs.15,000/- towards loss of estate; and Rs.40,000/- by way of spousal consortium to the claimant No.2; and Rs.40,000/- each to the claimants No.3, 4 and 5/minor children of the deceased by way of parental consortium. No doubt, nothing has been awarded to claimant No.1/75-year-old mother of the deceased by way of filial consortium.

7. However, as per judgment of the Hon'ble Supreme Court in **(SC) SLP No.13931 of 2017** titled as **"New India Assurance Co. Ltd. Vs. Vinish Jain & Others"** Law Finder Doc ID # 977386, it has been held that where difference in compensation is about 4 to 5 per cent only, it does not warrant interference by this Court as, such variation in compensation is within permissible limits.



8. This above-said judgment of the Hon'ble Supreme Court has been followed by the Kerala High Court in **"The Managing Director, Divisional Controller Versus Alikutty and Others"** Law Finder Doc Id # **1885188**. Relevant para 18 of the said judgment is reproduced below:-

*"18. It is to be borne in mind, the accident occurred on 23,2,2019. It is more than 2 ½ years since the respondents 1 to 4 have been knocking at the doors of the Courts seeking compensation on account of the death of the bread-winner. It is trite law that the Tribunal is permitted to do some guess work and also exercise its discretion to fix the reasonable and just compensation, for which there cannot be any straightjacket formula based on mathematical precision. In **New India Assurance Company Vs. Vinish Jain and Others [(2018) 3 SCC 619]**, the Hon'ble Supreme Court has held that if the fixation of compensation is within permissible limits, the courts should normally not interfere with such awards".*

9. Above said view has been reiterated by the Kerala High Court in **"Reliance General Insurance Company Limited Vs. Adila and Others"**, Law Finder Doc ID # **1921609**, paras 16 and 17 of which read as under:-

"16. The other area of dispute is that the Tribunal after awarding compensation under the conventional heads has awarded Rs.75,000/- towards loss of love and affection and Rs.10,000/- awarded towards pain and sufferings.

*17. In **New India Assurance Co., Ltd v. Vineesh.J[2018 (3) SCC 619]**, the Hon'ble Supreme Court has held that the Appellate Court can permit variation of plus or minus 4 to 5 percent."*



10. No case law to the contrary has been cited by learned counsel for the appellants.

11. Accordingly, in view of the discussion above, I find no case is made out which merits interference with the impugned Award. 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. Mahadev 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.

12. 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."

13. In view of the factual and legal position noted above, the present appeal accordingly stands **dismissed**.

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

24.02.2026

Sunena

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

(Nidhi Gupta)

Judge