IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-854-2025(O&M)
Date of decision: 29.01.2026

Neelam & Others

...Appellant(s)

Vs.

Ram Singh & Others

...Respondent(s)

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CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rajiv Kumar Saini, Advocate
for the appellants.

Ms. Rajni Godara, Advocate for
Mr. P.H.S. Pannu, Advocate
for respondent No.3.

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NIDHI GUPTA, J.

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.34,51,420/- awarded by the Motor Accident Claims Tribunal, Karnal (hereinafter 'the learned Tribunal') vide Award dated 05.11.2024 passed in MACP Case No.322 dated 12.05.2022 filed under Sections 166 and 140 of the Motor Vehicles Act (hereinafter "the Act"). The 6 claimants are the widow, three minor children, and parents of deceased Jai Karan, who was 34 years old at the 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 deceased Jai Karan had died due to the injuries suffered by him in a motor vehicular accident that took place on 01.05.2022 at about 5:30 pm due to the rash and negligent driving of Canter bearing registration No.DL-01-MA-7694 (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 @ 6% per annum. Respondents No.1 and 2 were held liable for payment of compensation amount. However, in view of Section 149 of the Act, respondent No.3/Insurance Company was directed to discharge it.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.15,450/- per month. It is submitted that the appellant has adduced cogent and reliable evidence proving the income of the deceased as Rs.20000/- as deceased was doing work of welder, which is a skilled work. The Ld. Tribunal has wrongly and erroneously assessed the income of the deceased as Rs. 15450/- per month without any evidence and rather in contravention and violation of the evidence on record.

4. It is further submitted that interest has been awarded on the lower side. It is accordingly prayed that the present appeal be allowed and the impugned Award be modified.

5. Per contra, learned counsel for the respondent No.3/Insurance Company opposes the submissions advanced on behalf of the appellants and

submit that the impugned Award suffers from no error; and the present appeal deserves to be dismissed.

6. No other argument is made on behalf of the parties. 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 that prior to the accident, the deceased was working as a Welder and earning Rs.20,000/- per month. But no documentary evidence was led by the appellants to prove the alleged avocation or income of the deceased. Yet, the ld. Tribunal keeping in view the fact that the Act is a beneficial legislation, had assessed income of the deceased as per the Notification dated 19.01.2022 issued by the Haryana Kaushal Rozgar Nigam for the financial year 2022-2023 and assessed income of the deceased as Rs.15,450/- per month.

8. Age of the deceased was determined to be 34 years on the basis of pleadings. Therefore, future prospects of 40% has been correctly added; and multiplier of 16 was correctly applied. As there were 6 claimants, deduction of 1/4th has been correctly made. Learned Tribunal had further awarded Rs.18,150/- towards loss of estate; Rs.18,150/- towards funeral expenses; Rs.10,000/- towards litigation expenses; and Rs.48,400/- to each of the six claimants; thereby granting total compensation of Rs.34,51,420/-, in the following manner:-

Head	**Amount**
Income	Rs.15,450/-
40% added towards future prospects	Rs.6180/- (Rs.15,450/- + Rs.6180/- = Rs.21,630/- x 12 = Rs.2,59,560/-
1/4th deduction towards personal expenses	Rs.2,59,560/- - Rs.64,890/- = Rs.1,94,670/-
Multiplicand	Rs.1,94,670/- x 16 = Rs.31,14,720/-
Loss of estate	Rs.18,150/-
Funeral expenses	Rs.18,150/-
Litigation expenses	Rs.10,000/-
Loss of spousal consortium	Rs.48,400/- x 1 = Rs.48,400/-
Loss of parental consortium	Rs.48,400/- x 3 = Rs.1,45,200/-
Loss of filial consortium	Rs.48,400/- x 2 = Rs.96,800/-
Total	**Rs.34,51,420/-**

9. From the above, it is clear that 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.

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

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

29.01.2026 **(Nidhi Gupta)**
Sunena **Judge**

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