IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-1872-2025(O&M)
Date of decision: 19.02.2026

Smt. Mukesh Devi @ Mukesh & Others

...Appellant(s)

Vs.

Rivigo Services (P) Limited & Others

...Respondent(s)

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CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Gaurav Aggarwal, Advocate
for the appellants.

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NIDHI GUPTA, J.

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.24,37,000/- awarded by the Motor Accident Claims Tribunal, Gurugram (hereinafter 'the learned Tribunal') vide Award dated 12.11.2024 passed in MACT Petition No.20 dated 11.04.2019 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 5 claimants are the 44-year-old widow, 29-year-old daughter, 28-year-old daughter, 27-year-old daughter, and 24-year-old son of deceased Naresh Kumar, who was 44 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 Naresh Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 20.02.2019

due to the rash and negligent driving of vehicle bearing registration No.HR-55-W-6940 (hereinafter "the offending vehicle") being driven by respondent No.2, insured by respondent No.3 and owned by respondent No.4. The said compensation has been awarded along with interest @ 7% per annum. Respondents were held jointly and severally liable for payment of compensation amount.

3. The only argument made by learned counsel for the appellants before this Court for enhancement of compensation is that interest of 7% has been granted to the appellants only in case the insurer fails to deposit the compensation amount within two months. It is submitted that the Claim Petition was filed in the year 2019; whereas Award was passed in the year 2024 and for the said period, no interest has been awarded to the appellants.

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. It is trite law that grant of interest is not a matter of right and entitlement of the appellants and is granted at the discretion of the Courts. Thus, I find no ground is made out to modify the impugned Award.

6. Even otherwise, compensation in excess of what is payable to the appellant has already been awarded by the learned Tribunal. It is to be seen that the five claimants herein are the widow, and 4 grown-up daughters

and son of the deceased i.e. 29-year-old daughter, 28-year-old daughter, 27-year-old daughter and 24-year-old son. It was the pleaded case of the appellants before the learned Tribunal that deceased was a Security Guard in the respondent No.1 Company and was earning Rs.30,000/- per month. The appellants had produced Salary Slip (Ex.P7), as per which the deceased was drawing monthly salary of Rs.14,000/-. Accordingly, the learned Tribunal had taken income of the deceased as Rs.14,000/- per month. Age of the deceased was determined to be 44 years at the time of accident on the basis of his School Transfer Certificate (Ex.P6), in which his date of birth is mentioned as 10.06.1975. Accordingly, the learned Tribunal had made an addition of 25% towards future prospects; and correctly applied multiplier of 14.

7. However, it is to be seen that keeping in view the number of "dependents", learned Tribunal has made a deduction of 1/4th towards personal expenses. During the course of arguments, it has not been disputed by learned counsel for the appellants that the claimants No.2 to 4 being the 29-year-old daughter, 28-year-old daughter and 27-year-old daughter are married daughters of the deceased. It is my view that these claimants being married daughters of the deceased were not entitled to compensation in terms of judgment of the Hon'ble Supreme Court in **Deep Shikha v. National Insurance Company Ltd., (SC) : Law Finder Doc ID # 2729764**; wherein it is held that married daughter of the deceased is not entitled to compensation, unless financial dependency is proved. Further, in terms of recent judgment

of Hon'ble Supreme Court in **Jitender Kumar v. Sanjay Prasad, (SC) : Law Finder Doc ID # 2746903,** it would follow that claimants No.1 and 5 being LRs of the deceased would be entitled to compensation. However, deduction of 50% is liable to be made. In this view of the matter, in actual fact, compensation already in access of what is payable to the appellants, has been granted to them.

8. The Award further shows that the learned Tribunal has awarded a sum of Rs.15,000/- towards loss of estate; Rs.15,000/- towards funeral expenses; and Rs.40,000/- to each of the claimants by way of spousal and parental consortium.

9. From the above, it is clear that in the facts and circumstances of the case, a more than 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. The Hon'ble Supreme Court in above case of ***"Reshma Kumari supra*** has further 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.*"

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

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

19.02.2026 **(Nidhi Gupta)**
Sunena **Judge**

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