IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-901-2025(O&M)
Date of decision: 30.01.2026

Sunny & Another

...Appellant(s)

Vs.

Parmod & Others

...Respondent(s)

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CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Kavita, Advocate for
Mr. Ankit Chahal, 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.16,61,000/- awarded by the Motor Accident Claims Tribunal, Jind (hereinafter 'the learned Tribunal') vide Award dated 11.11.2024 passed in MACP Case No.29 dated 30.01.2023 filed under Sections 166 and 140 of the Motor Vehicles Act (hereinafter "the Act"). The two claimants are the 24-year-old and 23-year-old sons of deceased Sunita, who was 40 years 9 months 4 days old at 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 Sunita had died due to the injuries suffered by her in a motor vehicular accident that took place on 05.10.2022 due to the rash and negligent driving of Motorcycle bearing registration No.HR-11N-4359 (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 amount.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that age of the deceased has been wrongly considered as 41 years. Therefore, multiplier has been wrongly applied. Consortium should have been awarded as Rs.48,400/- each. Even amounts under the other heads of funeral expenses and loss of estate should be enhanced. Nothing has been awarded on account of pain and suffering or mental agony of the appellants. Interest should also be 18% per annum. It is accordingly prayed that the present appeal be allowed and the impugned Award be modified.

4. 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.

5. 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.

6. It was the pleaded case of the appellants before the learned Tribunal that prior to the accident, the deceased was a Mid-Day Meal Cook-cum-Helper in Government Senior Secondary School from where she was getting Rs.7,000/- per month; and the deceased was also doing dairy farming from where she was earning Rs.15,000/- per month. Thus, the deceased was stated to be earning Rs.21,000/- per month. To prove their case, the appellants had examined PW1 Naveen, Senior Assistant, SBI, who had proved the Account Statement of the deceased from 01.04.2022 to 31.10.2022 (Ex.PW1/A). The appellants had also examined PW3 Om Dutt, Principal, GSSS, who had stated that deceased was earning Rs.7,000/- per month, which was proved from the School Record (Ex.PW3/A). The appellants had examined other witnesses who had also proved the said fact. However, the appellants had failed to produce any evidence to show that deceased was earning Rs.15,000/- from dairy farming. Nonetheless, it was admitted fact on record that the deceased was a widow and was single-handedly taking care of her two unmarried sons. Therefore, the learned Tribunal had made an addition of Rs.4,000/- towards contribution of the deceased towards her domestic work; and thereby calculated monthly income of the deceased as Rs.11,000/- i.e. Rs.1,32,000/- per annum

(Rs.11,000/- x 12). I find no error in the same. Appellants have been unable to prove income from dairy farming. Accordingly, income of the deceased has been correctly assessed by the Tribunal.

7. Age of the deceased was determined to be 40 years 9 months 4 days old at the time of accident on the basis of her Service Record (Ex.PW3/A) wherein her date of birth is mentioned as 01.01.1982. In these circumstances, the learned Tribunal has rightly taken her age as 41 years. Therefore, addition of future prospects @ 25% was correctly made; and multiplier of 14 was correctly applied. Both the claimants despite being major sons of the deceased were taken to be her dependents and deduction of 1/3rd was made (Rs.1,65,000/- - Rs.55,000/- = Rs.1,10,000/-). After applying multiplier, compensation comes to Rs.1,10,000/- x 14 = Rs.15,40,000/. Under the conventional heads, the learned Tribunal has awarded Rs.16,500/- towards funeral expenses; Rs.16,500/- towards loss of estate; and Rs.44,000/- each towards parental consortium; thereby granting total compensation of Rs.16,61,000/-.

8. 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.

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

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

30.01.2026 **(Nidhi Gupta)**
Sunena **Judge**

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