**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****124****FAO-2438-2023(O&M)****Date of decision: 09.04.2026****Munesh & Others****...Appellant(s)****Vs.****Darbara Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Ms. Lipika Mamli, Advocate
for the appellants.***********NIDHI GUPTA, J.****CM-8726-CII-2023**

This is an application under Section 5 of Limitation Act read with Section 151 CPC for condonation of delay of 56 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of the appellant No.1, the same is allowed subject to all just exceptions and delay of 56 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.10,99,080/- awarded by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (hereinafter 'the learned Tribunal') vide Award dated 23.09.2022 passed in MACP-362 dated 09.12.2021 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 3 claimants are the 51-year-old widow, 25-year-old son and 24-year-old daughter of deceased Mehak Singh, who was 52 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 the deceased Mehak Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 12.10.2021 due to the rash and negligent driving of Truck/Dumper bearing registration No.HR-58-B-0979 (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. Learned counsel for the appellants seeks enhancement of compensation by submitting that compensation deserves to be enhanced as income of the deceased has been taken on the lower side as only Rs.9803/- per month. It is submitted that the appellants had proved that deceased was also doing dairy farming. However, said income has not been considered/included. Multiplier is on the lower side. No compensation has been awarded for loss of estate and funeral expenses. Interest should have been awarded @ 18%. It is accordingly prayed that the present appeal be allowed and compensation be enhanced.

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.

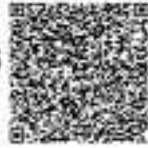
5. It was the pleaded case of the appellants that the deceased was working as a property dealer, dairy farmer and also an agriculturist. However, the appellants failed to adduce any evidence whatsoever in respect of the said multifarious avocations of the deceased. Except for the bald statement made by claimant No.1/widow of the deceased to the above effect that deceased was earning Rs.20,000/- per month while working as property dealer, dairy farmer and agriculturist, no documentary evidence whatsoever



in this regard was brought on record. Consequentially, learned Tribunal had taken income of the deceased as Rs.9803/- per month, on the basis of Minimum Wages notified by the Haryana Government for unskilled workers. I find no error in the same.

6. Further, age of the deceased was determined to be 52 years at the time of accident, on the basis of his Post-Mortem Report (Ex.P2). Accordingly, the learned Tribunal had correctly made an addition of 10% towards future prospects; and correctly applied multiplier of 11. As there were three claimants, the learned Tribunal has made a deduction of 1/3rd towards personal expenses. Under the conventional heads, learned Tribunal has awarded an amount of Rs.15,000/- towards funeral expenses; Rs.15,000/- towards loss of estate; and Rs.40,000/- to each of the claimants by way of spousal and parental consortium.

7. From the above, it is clear that in the facts and circumstances of the case, 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.



8. Learned counsel for the appellants is unable to dispute or controvert the aforesaid facts and findings.
9. In view of the above, present appeal stands **dismissed**.
10. Pending application(s) if any also stand(s) disposed of.

09.04.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No