

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****117****FAO-2058-2021 (O&M)**
Date of decision: 18.03.2026**Rajender Kaur and another****...Appellant(s)****Vs.****K K Sharma and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**Present:- Mr. C.S.Singhal, Advocate
for the appellants.*********NIDHI GUPTA, J.**

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.4,88,000/- awarded by the learned Motor Accident Claims Tribunal, Panchkula (hereinafter referred to as "the learned Tribunal") vide Award dated 07.12.2020 passed in MACP Case No. 19 dated 04.02.2019 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The 2 claimants are the parents of the deceased Master Ankush Rana, who was 16 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased- Master Ankush Rana had died due to the injuries suffered by him in a motor vehicular accident that took place on 06.12.2018 at about 07:30 p.m. due to the rash and negligent driving of a Chevrolet Beat Car bearing registration No. HP-71-1346 (hereinafter "the offending vehicle") being driven by respondent No.1; owned by respondent No.2 and insured by respondent



No.3. The above compensation was awarded along with interest @ 7.5% per annum. All the respondents were held jointly and severally liable to pay the compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that notional income of the deceased has been assessed on the lower side by the learned Tribunal as only Rs.30,000/- p.a. It is submitted that deceased was a student of class X at DAV School, Naraingarh and had a bright future ahead of him. It is further submitted that nothing has been awarded towards loss of estate. Amounts granted for funeral expenses and transportation are on the lower side. Even the amount under the loss of love and affection is on the lower side. It is accordingly prayed that the present Appeal be allowed; and the compensation be enhanced.

4. No other argument is raised on behalf of learned counsel for the appellants. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the appellants.

5. Perusal of the record shows that age of the deceased was determined to be 16 years old at the time of accident on the basis of Postmortem Report Ex.P3. Perusal of 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 a student of Class X with a bright future ahead of him. However, nothing has been brought to the notice of this Court to show that deceased was a student at the time of accident. It is not even



the assertion of the appellants that deceased was earning anything. Hence, Learned Tribunal in conformity with the judgments of the Hon’ble Supreme Court in **Rajendra Singh and others vs National Insurance Company Limited and others, 2020 (3) RCR (Civil) 26; Kishan Gopal and another vs Lala and others, Law Finder Doc Id # 477190**; and of this Court in **Shashi Bala vs Sudarshan Kumar and others, 2015 ACJ 1728**, filed under Section 166 of the Motor Vehicles Act had taken notional income of the deceased of the minor therein to be Rs.30,000/- p.a.

6. Learned Tribunal had further made an addition of 40% towards future prospects; and applied multiplier of 18; thereby calculating total loss of dependency to be Rs.3,78,000/-. As the deceased was bachelor, Tribunal has correctly made deduction of 50% towards personal expenses. Further, under the conventional heads, an amount of Rs.15,000/- was granted towards last rites, transportation; Rs.15,000/- towards loss of estate; and Rs.40,000/- each to both the claimants by way of filial consortium. Accordingly, learned Tribunal has calculated the compensation in the following manner: -

Head	Compensation awarded
i) Loss of dependency, last rites and transportation of dead body of deceased and loss of estate	Rs.4,08,000/- (Rs.3,78,000/- + Rs.15,000/- + Rs.15,000/-)
ii. Loss of Consortium: a) Filial Consortium to claimants being parents of deceased	Rs.40,000/- each Total Rs.80,000/-
Total compensation awarded:	Rs.4,88,000/- alongwith Interest @7.5% p.a. from

	the date of filing of the Claim petition till payment.
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7. From the above, it is clear that just and fair compensation has been awarded to the appellants, which is in conformity with the law and structured formula laid down by the Hon’ble Supreme Court. 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 Vs. Jasbir Kaur” Law Finder Doc ID # 64043* and *“Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty and another” (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.

8. Accordingly, I find no error in the compensation awarded by the learned Tribunal. The present Appeal stands **dismissed**.

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

18.03.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No