IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112 **FAO-1690-2023 (O&M)**
Date of decision: 17.02.2026

Sunita Rani and another **...Appellant(s)**

Vs.

Mukand Singh and others **...Respondent(s)**

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Chandan Deep Singh, Advocate
for the appellants.

***

NIDHI GUPTA, J.

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.16,89,800/- awarded by the learned Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as "the learned Tribunal") vide Award dated 05.01.2023 passed in MACP Case No. 13 of 2020 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The 2 claimants are the parents of the deceased Nitish Kumar, who was 31 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-Nitish Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 11.12.2019 due to the rash and negligent driving of a Trolla/Canter bearing registration No. PB-03-AP-0198 (hereinafter "the offending vehicle") being driven by respondent No.1;

owned by respondent No.2 and insured by respondent No.3. The above said compensation was awarded along with interest @ 7% per annum. All the respondents were held jointly and severally liable to pay the amount of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that learned Tribunal has failed to appreciate that prior to the accident, deceased was working as a Bhangra Coach in Dubai and was earning 6000 Dirhams per month. It is submitted that the income of the deceased has been disbelieved by the learned Tribunal on account of the fact that Ex.C1/passport of the deceased had expired on 09.12.2017; whereas accident had taken place on 11.12.2019. Learned counsel submits that however the learned Tribunal has ignored the renewed passport Ex.C16 was duly placed on record by the appellants which was issued on 20.07.2017 and date of expiry was 19.07.2027. It is submitted that Ex.C16 also bears the exit UAE stamp on 27.11.2019 i.e. 10 days prior to the accident. Learned counsel contends that therefore, income of the deceased has been assessed on the lower side as only Rs.9,000/- per month. Hence, income of the deceased ought to have been taken as that of a professional.

4. It is accordingly prayed that the present Appeal be allowed; and the compensation be enhanced.

5. 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.

6. Irrespective of the observations of the learned Tribunal, even if Ex.C16, the renewed passport of the deceased is taken into consideration, it is evident from the record that the appellants have been unable to prove the alleged income of the deceased. Claimant No.2/father of the deceased while appearing as CW1 has admitted in his cross-examination that his deceased son was not filing Income Tax Return. No other document was brought on record by the claimants to prove the alleged income of 6,000 Dirham per month; or even to show that the deceased was a Bhangra Coach in UAE. This fact has been admitted by CW2/Bhushan Anand. During his cross-examination, CW2 admitted that there was no document to show that the deceased was working as Bhangra Coach in UAE. In view of the fact that appellants were unable to prove the income of the deceased, learned Tribunal had correctly assessed the income of the deceased as Rs.9,000/- p.m.

7. Further, age of the deceased was determined to be 31 years old at the time of accident on the basis of his Post Mortem Report Ex.C12. Accordingly, learned Tribunal had correctly made an addition of 40% towards future prospects; and correctly applied multiplier of 16. There is nothing on record to indicate that the deceased was married at the time of accident. As such, deduction of 50% ought to have been made towards personal expenses; whereas learned Tribunal has made deduction of 1/3rd towards personal expenses in view of the fact that there are 2 claimants. Under the conventional heads, learned Tribunal has further awarded Rs.16,500/- for loss of estate; Rs.16,500/- for funeral expenses; and Rs.44,000/- for loss of

consortium. Accordingly, Tribunal has calculated the compensation as follows: -

Sr. No.	Heads	Calculation (in Rs.)
(i)	Income	Rs.9,000/-
(ii)	40% future prospects	Rs.12,600/- (Rs.9,000 + Rs.3,600)
(iii)	1/3rd deduction as personal expenses of the deceased	Rs.1,00,800/- (Rs.12,600-Rs.4,200 = Rs.8,400 x 12)
(iv)	Compensation after multiplier of 16 is applied	Rs.1,00,800 x 16 = Rs.16,12,800/-
(v)	Conventional heads i.e. loss of estate, loss of consortium and funeral expenses	Rs.77,000/-
	Total compensation awarded	**Rs.16,89,800/-**

8. From the above facts, it is clear that 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 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.

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

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

17.02.2026 **(NIDHI GUPTA)**

Divyanshi **JUDGE**

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