

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.2693 of 2019 (O&M)
Date of decision : 12.03.2026**

Anita and others

....Appellants

Versus

Syam Sunder and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sunil Chaudhary, Advocate (through V.C.)
for the appellants.

Mr. Ankur Gupta, Advocate
for respondent No.3.

PANKAJ JAIN, J. (ORAL)

CM No.9095-CII of 2019

This is an application filed under Section 5 of Limitation Act seeking condonation of delay of 566 days in filing the instant appeal.

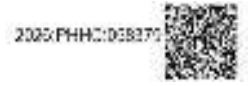
Counsel for respondent No.3 pleads no objection.

For the reasons recorded in the application, this Court is satisfied that the applicants/appellants have made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. The delay of 566 days in filing the instant appeal is hereby condoned.

FAO No.2693 of 2019

Claimants are in appeal seeking modification of the award



passed by the Tribunal in the petition filed under Section 166 of the Motor Vehicles Act, 1988.

2. Claimants filed claim petition seeking compensation on account of death of Narender Kumar, who died in a motor vehicular accident dated 12.06.2015 at the age of 33 years. As per the claimants, the deceased was earning Rs.35,000/- per month from agricultural pursuits and was working as a daily wage tractor driver.

3. In the absence of any evidence to prove land holding of the deceased and documentary evidence in form of J-form, etc., to prove the sale of crop by the deceased, the Tribunal assessed the income of the deceased as Rs.7,000/- per month and accordingly awarded compensation of Rs.14,69,000/-

4. Counsel for the appellants assails the findings recorded by the Tribunal with respect to income of the deceased. He submits that driving licence of the deceased, Exhibit P-12, has been proved on record. As per the same, the deceased was licensed to drive a tractor. He was also earning by way of agricultural pursuits. However, counsel is not in position to dispute that there is no evidence on record regarding land holding of the deceased or that the deceased was cultivating land on lease.

5. I have heard counsel for the parties and have carefully gone through records of the case.

6. The Tribunal has assessed monthly income of the deceased @ Rs.7,000/-. The same is more than wages notified by the State of Haryana



for a highly skilled worker for the year 2015. In view thereof, this Court finds no reason to take any exception to the approach of the Tribunal in taking income of the deceased as Rs.7,000/- per month.

7. Future prospects have been adequately awarded. In the light of ratio of law laid down by Supreme Court in the case of ‘**Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram and others**’ – **Civil Appeal No.9581 of 2018**, *decided on 18.09.2018*, Rs.1,00,000/- awarded by the Tribunal for loss of consortium to the claimants, is modified/substituted to the extent that each of the claimants shall be entitled for Rs.48,400/- for loss of consortium. Nothing has been awarded for loss of estate. Claimants are also held entitled for Rs.18,000/- on account of loss of estate.

8. Needless to say, rest of the award including order *qua* apportionment and interest, is maintained.

9. Anything paid to the claimants in execution of the award, shall be set off and adjusted.

10. With the aforesaid modification in the impugned award, the appeal is disposed off.

March 12, 2026
Dpr

(Pankaj Jain)
Judge

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