

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****131****FAO-1773-2025(O&M)****Date of decision: 27.01.2026****Rajinder Kaur & Others****...Appellant(s)****Vs.****Avtar Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Shubham Gupta, Advocate
for the appellants.

*********NIDHI GUPTA, J.****CM-16899-CII-2025**

This is an application u/s 151 CPC for placing on record the affidavit of Smt. Rajinder Kaur in compliance of order dated 27.01.2026 whereby the applicant/appellant had been directed to file Affidavit as to whether claimants have received any compensation from the Indian Army.

After going through the contents of the application, which is supported by affidavit of the applicant, the same is allowed subject to all just exceptions and affidavit of Rajinder Kaur is taken on record.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.73,05,771/- awarded by the Motor Accident Claims Tribunal, Bathinda (hereinafter 'the learned Tribunal') vide



Award dated 28.11.2024 passed in MACP Petition No.177 dated 31.10.2017 filed under Section 166 of the Motor Vehicles Act (hereinafter “the Act”). The four claimants are the widow and three minor daughters of Satnam Singh, who was 34 years 11 months 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 deceased Satnam Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 05.02.2015 at about 4:15 am due to the rash and negligent driving of Canter bearing registration No.HR-68A-5399 (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 @ 9% per annum. Respondents No.1 and 2 were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that the deceased was a Driver with the Army. Therefore, future prospects were liable to be added @ 50%; whereas the learned Tribunal has made an addition of only 40% by way of future prospects. Further, consortium has been awarded only to claimant No.1/widow; whereas the claimants No.2 to 4 were also entitled to filial consortium. Rate of interest is also on the lower side; and amounts granted



under the other heads are also on the lower side. It is accordingly prayed that the impugned Award be modified.

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. The pleaded case of the claimants before the learned Tribunal as recorded in Para 2 of the impugned Award is that: -

“2. Adumbrated in brief, the facts necessary for disposal of this claim petition are that on the ill-fated day i.e. on 05.02.2015 at about 4.15 a.m., deceased Satnam Singh, Col. Sandeep Kumar, Amita wife of Sandeep Kumar and Sandeep Kumar minor two children Dhruv and Udai were going to Pathankot in Car No. CH-04-H-8395. At that time, the abovesaid car was being driven by Satnam Singh. When they crossed Bhangla Bus Adda on the G.T. Road, Mukerian the said Canter No. HR-68-A-5399 rashly and negligently applied the brakes in the middle of the road without any indication and turned the same whereas there was no hindrance in front of against the said canter and as such the abovesaid Car No. CH-04-H-8395 struck with the abovesaid Canter. As a result of which driver of car Satnam Singh received multiple fatal injuries on his person and died at the spot. The police took the signatures of the witnesses on blank papers with the understanding that they will register FIR against respondent No.1, but the police of P.S. Mukerian only registered the DDR in connivance with the respondents No.1 and 2, who are influential persons. The whole occurrence was seen by Vijay Kumar and Gurdeep Singh.”



6. It was further pleaded that the deceased was 34 years 11 months old at the time of accident and was a Driver in the Indian Army from where he was getting salary of Rs.49,000/- per month. As per the Salary Record (Ex.C2 to Ex.C7) produced by the claimants, which was proved by CW2 Naik Lakhwinder Singh, the deceased was drawing salary of Rs.35,857/- per month. Accordingly, learned Tribunal had taken salary of the deceased as Rs.35,857/- per month; and annual salary of the deceased as Rs.4,30,284/-. It is the contention of the appellants that deceased was a Driver in the Indian Army and therefore, future prospects ought to have been added @ 50%. However, despite repeated Court queries, the appellants have been unable to affirm whether the deceased was a Regular employee of the Indian Army or he was working on Contract Basis. As per the Affidavit dated 12.08.2025, filed by the claimant No.1 attesting to the fact that the claimants have not received any compensation from the Indian Army, it would appear that the deceased was not working with the Indian Army on a regular basis; or else some sort of compensation would have been granted to the claimants by the Indian Army. In this situation, learned Tribunal has correctly made an addition of 40% towards future prospects; thereby calculating annual income to be Rs.6,02,397/-. As claimants were 4 in number, deduction of 1/4th has been correctly made; thereby calculating annual income to be Rs.4,51,798/-. Keeping in view the age of the deceased,



multiplier of 16 has been correctly applied; thereby calculating dependency to be Rs.72,28,771/-. Learned Tribunal has further awarded Rs.44,000/- on account of consortium; Rs.16,500/- towards loss of estate and Rs.16,500/- towards funeral expenses. It has been contended that the appellants No.2 to 4 are also entitled to Rs.44,000/- each towards filial consortium. However, as per judgment of the Hon'ble Supreme Court in **(SC) SLP No.13931 of 2017** titled as **"New India Assurance Co. Ltd. Vs. Vinish Jain & Others"** Law Finder Doc ID # **977386**, it has been held that where difference in compensation is about 4 to 5 per cent only, it does not warrant interference by this Court as, such variation in compensation is within permissible limits.

7. This above-said judgment of the Hon'ble Supreme Court has been followed by the Kerala High Court in **"The Managing Director, Divisional Controller Versus Alikutty and Others"** Law Finder Doc Id # **1885188**. Relevant para 18 of the said judgment is reproduced below:-

*"18. It is to be borne in mind, the accident occurred on 23,2,2019. It is more than 2 ½ years since the respondents 1 to 4 have been knocking at the doors of the Courts seeking compensation on account of the death of the bread-winner. It is trite law that the Tribunal is permitted to do some guess work and also exercise its discretion to fix the reasonable and just compensation, for which there cannot be any straightjacket formula based on mathematical precision. In **New India Assurance Company Vs. Vinish Jain and Others [(2018) 3 SCC 619]**, the Hon'ble Supreme Court has held*



that if the fixation of compensation is within permissible limits, the courts should normally not interfere with such awards”.

8. Above said view has been reiterated by the Kerala High Court in **“Reliance General Insurance Company Limited Vs. Adila and Others”**, **Law Finder Doc ID # 1921609**, paras 16 and 17 of which read as under:-

“16. The other area of dispute is that the Tribunal after awarding compensation under the conventional heads has awarded Rs.75,000/- towards loss of love and affection and Rs.10,000/- awarded towards pain and sufferings.

17. In New India Assurance Co., Ltd v. Vineesh.J[2018 (3) SCC 619], the Hon'ble Supreme Court has held that the Appellate Court can permit variation of plus or minus 4 to 5 percent.”

9. Moreover, it is relevant to also note that the accident is stated to have taken place on 05.02.2015; whereas the Claim Petition has been filed more than 2.5 years thereafter on 31.10.2017.

10. 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.

11. Thus, the present appeal accordingly stands **dismissed**.
12. Pending application(s) if any also stand(s) disposed of.

27.01.2026

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No