



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

114

FAO-1357-2024 (O&M)

Date of decision: 22.04.2026

Sunita and others

...Appellant(s)

Vs.

Ramesh and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rahul Makkar, Advocate for the appellants.

NIDHI GUPTA, J.CM-5296-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 CPC is for condonation of delay of 106 days in filing the appeal.

2. It is submitted by learned counsel for the applicant/appellants that delay of 106 days in filing the present appeal has been occurred on account of the fact that earning member of the family has expired and applicant/appellants were short of funds. However, on repeated Court queries, learned counsel for the applicant/appellants has been unable to inform as to on what date, compensation of Rs.18,05,000/- was received by the appellants. As such, learned counsel for the applicants is unable to make out the sole ground of penury on which the said delay has been caused.

3. In view of the above, the present application stands **dismissed**.

**FAO-1357-2024 (O&M)**

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.18,05,000/- awarded by the Motor Accident Claims Tribunal, Jind (for short “the learned Tribunal”) vide Award dated 31.08.2023 passed in MACP Case No. 113 dated 30.05.2020 filed under Section 166 of the Motor Vehicles Act, 1988. The 5 claimants are the 37-year-old widow; 17-year-old son; 15-year-old daughter, 68-year-old mother; and 63-year-old father of the deceased Satish Kumar Nath, who was 42 years old at the time of accident.

2. Brief facts of the case are that the Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Satish Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 03.03.2020 due to the rash and negligent driving of a Truck bearing registration No.HR56A-6278 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2; and insured by respondent No.3. The Tribunal awarded the above compensation 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 deceased was doing work of Mason/Raj Mistri at the time of accident. However, income of the deceased has not been correctly assessed by learned Tribunal. Nothing has been awarded towards love and affection. Therefore, conventional heads deserve to be



enhanced. Consortium of Rs.1 lac each ought to have been awarded. Interest is also on the lower side and it should have been 18% p.a. He accordingly prays that the present Appeal be allowed; and the impugned Award be modified as above.

4. No other argument is raised on behalf of the appellants. I have heard Id. 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 before the learned Tribunal that the deceased was working as Mason/Raj Mistri and was earning more than Rs.30,000/- p.m. However, except for the bald statement of claimant No.1/widow as PW1, no documentary proof of the said alleged avocation or income of the deceased was produced. Accordingly, learned Tribunal had assessed income of the deceased as Rs.10,000/- p.m. on the basis of relevant Minimum Wage Notification. I find no error in the same.

6. Age of the deceased was determined to be 42 years on the basis of his Postmortem Report Ex.P9. Accordingly, learned Tribunal had correctly made addition of 25% towards future prospects; and multiplier of 14 has been correctly applied. As there were 5 claimants, deduction of 1/4th was correctly made. 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.2,00,000/- towards loss of consortium and filial consortium. Accordingly, learned Tribunal has calculated the compensation in the following manner: -



Sr. No.	Heads of Claim	Calculation
1.	<i>Loss of dependency (Rs.1,12,500/- x 14)</i>	Rs.15,75,000/-
2.	<i>Funeral & last rites etc. expenses</i>	Rs.15,000/-
3.	<i>Loss of Estate</i>	Rs.15,000/-
4.	<i>Loss of consortium to petitioner no.1 being wife.</i> <i>Loss of filial consortium to petitioners no.2 and 3 being son and daughter, petitioners no.4 and 5 being mother and father (Rs,40,000/- each)</i>	Rs.40,000/- Rs.1,60,000/-
	Total	Rs.18,05,000/-

7. I find no error in the compensation calculated by learned Tribunal.

8. Thus, 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’ (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 case of ‘General Manager, KSRTC Vs. Susamma Thomas and others’ (1994) 2 SCC 176, the Hon’ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.



9. Keeping in view the above factual and legal position, no ground is made out to interfere in the impugned Award. The present Appeal is accordingly **dismissed** on merits as well as on ground of delay.
10. Pending application(s) if any also stand(s) disposed of.

22.04.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

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