

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****125****FAO-1656-2025 (O&M)****Date of decision: 21.04.2026****Santosh Devi and another****...Appellant(s)****Vs.****Chetan Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Jasdev Singh Thind, Advocate
for the appellants.

NIDHI GUPTA, J.**CM-5157-CII-2025**

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 92 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant/appellant No.2, the same is allowed and delay of 92 days in filing the appeal is condoned.

FAO-1656-2025 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.14,20,500/- awarded by the learned Motor Accidents Claims Tribunal, Hisar (hereinafter referred to as "the learned Tribunal") vide Award dated 04.09.2024 passed in MACP Case No. 231 dated 11.05.2023 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The 2 claimants are the 45-year-old



widow; and 26-year-old son of the deceased Surender Singh, who was 48 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-Surender Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 21.01.2023 due to the rash and negligent driving of a Tralla bearing registration No. RJ-36GA/5857 (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 @ 6% 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 income of the deceased has been taken on the lower side. It is submitted that as per the relevant Minimum Wage Notification dated 28.08.2023 minimum wage payable to an unskilled worker is Rs.10,532/- per month. In support, learned counsel for the appellants has produced said Notification in Court today, which is taken on record.

4. It is further submitted that learned Tribunal has wrongly applied future prospects @ 25%; whereas the same should have been 40%; deduction towards personal expenses should have been 1/4th; multiplier should have been 14; inadequate compensation has been granted under the non-pecuniary side. Interest is also on lower side and the same should be 9% p.a. It is accordingly prayed that the present Appeal be allowed; and



compensation of Rs.1 Crore be awarded on account of death of Surender Singh.

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 detail. I find no merit in the submissions advanced on behalf of the appellants.

6. Perusal of the record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that deceased was an agriculturist and was doing dairy farming from which he was earning Rs.30,000/- p.m. However, as the appellants had failed to produce any document of the said alleged avocation or income, learned Tribunal had assessed income of the deceased as Rs.10,000/- p.m. on the basis of Minimum wages payable to an unskilled labourer at the relevant time. Reliance of the appellants upon the above said Notification dated 28.08.2023 is misplaced as the said Notification is applicable only w.e.f. 01.07.2023; whereas the date of accident is 21.01.2023. Contention on behalf of the appellants that minimum wage for an unskilled worker of Rs.10532.84 is shown to be applicable with effect from 1.1.2023 seems to be an anomaly. In any event, no reason is given by the learned counsel as to why the said Notification was not produced by the appellants before the learned Tribunal.

7. Further, age of the deceased was determined to be 48 years at the time of accident on the basis of his Postmortem Report Ex.P4. Accordingly, learned Tribunal had correctly made addition of 25% towards future prospects as the deceased was between 40 to 50 years of age.

Contention of the appellants that future prospects @ 40% should have been added, is contrary to the formula laid down by Hon’ble Supreme Court.

8. Further, keeping in view the age of the deceased, learned Tribunal had correctly applied multiplier of 13. As there were 2 claimants, learned Tribunal had made deduction of 1/3rd towards personal expenses. It is my view that as the claimant No. 2 is the 26-year-old son of the deceased; and there is no evidence on record to show that he was financially dependent upon the deceased, deduction of half ought to have been made. Further, under the conventional heads, learned Tribunal had awarded an amount of Rs.15,000/- towards funeral expenses; Rs.15,000/- towards loss of estate; and Rs.40,000/- each to both the claimants towards loss of consortium; thereby granting total compensation of Rs.14,20,400 (Rs.14,20,500/- in round figure) in the following manner: -

Sr. No.	Heads	Calculation (in Rs.)
(i)	Income	Rs.10,000/- per month
(ii)	25% future prospects	Rs.12,500/- (Rs.10,000 + Rs.2,500)
(iii)	1/3rd of the (i) deducted as personal expenses of the deceased	Rs.12,500-Rs.4166 = Rs.8,334/- (say Rs.8400/-) per month
(iv)	Compensation after multiplier of ‘13’ is applied	Rs.8,400 x 12 x 13 = Rs.13,10,400/-
(v)	Loss of estate	Rs.15,000/-
(vi)	Funeral expenses	Rs.15,000/-
(vii)	Loss of consortium to petitioners No.1 and 2	Rs.80,000/- (Rs.40,000/- to each of the petitioner)
	Total compensation awarded	Rs.14,20,400 (Rs.14,20,500/- in round figure)

9. I find no error in the compensation awarded by learned Tribunal.

10. From the above facts, it is clear that 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. 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. In view of the above, I find no ground is made out to interfere in the impugned Award. The present Appeal stands **dismissed**.
12. Pending application(s) if any also stand(s) disposed of.

21.04.2026

Divyanshi

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No

(NIDHI GUPTA)

JUDGE