

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****133****FAO-2542-2025(O&M)****Date of decision: 22.01.2026****Monu & Another****...Appellant(s)****Vs.****Jasmer Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Ketan Antil, Advocate
for the appellants.****Mr. Paul S. Saini, Advocate
for respondent No.3A.***********NIDHI GUPTA, J.****CM-8159-CII-2025**

This is an application under Section 5 of Limitation Act for condonation of delay of 59 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of the appellant No.1, the same is allowed subject to all just exceptions and delay of 59 days in filing present appeal is condoned.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.6,33,000/- awarded by the Motor Accident Claims Tribunal, Sonipat (hereinafter 'the learned Tribunal') vide Award dated 09.10.2024 passed in MACP Case No.101 dated 24.02.2023 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act").



The two claimants are the 34-year-old son and 24-year-old son of deceased Kanta, who was 56 years 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 Kanta had died due to the injuries suffered by her in a motor vehicular accident that took place on 16.12.2022 due to the rash and negligent driving of Bolero bearing registration No.HR-70-GV-3023 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3A. The said compensation has been awarded along with interest @ 7.5% per annum. Respondents No.1, 2 and 3A were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.10,098/- per month. As there were two claimants, deduction of 1/3rd ought to have been made. Future prospects of 25% ought to have been added; and consortium should have been awarded @ Rs.48,400/-. It is accordingly prayed that the present appeal be allowed and compensation be enhanced.

4. Per contra, Id. counsel for the respondent No.3A opposes the submissions made on behalf of appellants and submits that the impugned Award suffers from no error; and present appeal deserves to be dismissed.



5. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find some merit in the submissions advanced on behalf of the appellants.

6. It was the pleaded case of the appellants before the learned Tribunal that deceased Kanta was a labourer and household lady and was earning Rs.26,000/- per month. Accordingly, compensation of Rs.1 crore was demanded. However, the appellants were unable to prove the alleged avocation or income of the deceased. As such, learned Tribunal had assessed notional income of the deceased as admissible to an unskilled labourer on the basis of relevant Minimum Wage Notification dated 08.04.2022 applicable with effect from 01.01.2022 issued by the State of Haryana as Rs.10,098/- per month. I find no error in the same.

7. Age of the deceased was determined to be 56 years at the time of accident on the basis of her PAN Card (Ex.R1) and Aadhaar Card (Ex.R2) wherein her date of birth is mentioned as 01.01.1966. Accordingly, learned Tribunal had correctly made an addition of 10% towards future prospects; and correctly applied multiplier of 9. As the claimants are two major sons of the deceased, learned Tribunal had correctly made a deduction of 50% towards personal expenses. Further, the learned Tribunal has awarded Rs.16,500/- towards funeral expenses; Rs.16,500/- towards loss of estate. However, the learned Tribunal has failed to grant any compensation on account of loss of consortium. As such, it is my view that the claimants being



the sons of the deceased are entitled to an amount of Rs.44,000/- each by way of loss of consortium. Accordingly, compensation payable to the appellants is re-assessed as under:-

Head	Awarded by learned Tribunal	Re-assessed compensation
Income	Rs.10,098/- per month	Rs.10,098/- per month
Annual income	Rs.1,21,176/-	Rs.1,21,176/-
Addition towards future prospects	(10%) Rs.11,107/- (Rs.10,098/- + Rs.1,009/-) i.e. Rs.1,33,284/- per annum	(10%) Rs.11,107/- (Rs.10,098/- + Rs.1,009/-) i.e. Rs.1,33,284/- per annum
Deduction	(50%) Rs.66,642/- (Rs.50% of Rs.1,33,284/-)	(50%) Rs.66,642/- (Rs.50% of Rs.1,33,284/-)
Total loss of dependency	Rs.66,642/- (Rs.1,33,284/- - Rs.66,642/-)	Rs.66,642/- (Rs.1,33,284/- - Rs.66,642/-)
Multiplier	(9) Rs.66,642/- loss of income x 9 = Rs.5,99,778/-	(9) Rs.66,642/- loss of income x 9 = Rs.5,99,778/-
Funeral expenses	Rs.16,500/-	Rs.16,500/-
Loss of estate	Rs.16,500/-	Rs.16,500/-
Consortium	--	Rs.44,000/- x 2 = Rs.88,000/-
Total compensation	Rs.6,32,778/- rounded off to Rs.6,33,000/-	Rs.7,20,778/-

8. The appeal is **partly allowed** as above.
9. Pending application(s) if any also stand(s) disposed of.

22.01.2026
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No