



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112

FAO-5002-2023 (O&M)

Date of decision: 20.01.2026

Mohan Lal and others

...Appellant(s)

Vs.

Rajesh Kumar and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Bhumika Khatri, Advocate for
Mr. Ram Darshan Yadav, Advocate for the appellants.

NIDHI GUPTA, J.CM-17059-CII-2023

Prayer in this application filed under Section 151 CPC is for
condonation of delay of 72 days in refiling the appeal.

2. Heard.

3. For the reasons mentioned in the application which is duly
supported by an affidavit of Clerk of learned counsel for the
applicant/appellants, the same is allowed and delay of 72 days in refiling
the appeal is condoned.

CM-17061-CII-2023

Prayer in this application filed under Section 5 of the Limitation
Act is for condonation of delay of 42 days in filing the appeal.

2. Heard.



3. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant/appellant No.1, the same is allowed and delay of 42 days in filing the appeal is condoned.

FAO-5002-2023 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.1,67,500/- awarded by the Motor Accident Claims Tribunal, Rewari (for short “the learned Tribunal”) vide Award dated 16.11.2022 passed in MACP Case No. 456 dated 14.08.2019 filed under Section 166 of the Motor Vehicles Act, 1988. The 5 claimants are the 82-year-old husband; 57-year-old son; 59-year-old son; 57-year-old married daughter; and 50-year-old married daughter of the deceased Tara Devi, who was 74 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-Tara Devi had died due to the injuries suffered by her in a motor vehicular accident that took place on 20.06.2019 at around 10:00 a.m. due to the rash and negligent driving of a Motorcycle bearing registration No.HR-26CR-4927 (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% per annum. All the respondents were held liable to pay the compensation jointly and severally.

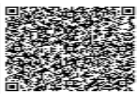
3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken



on the lower side. Multiplier has been wrongly applied. Deduction of 1/4th has been wrongly made and the same should have been 1/6th. Interest should have been awarded @ 24% p.a. It is accordingly prayed that the present Appeal be allowed; and the impugned Award be modified by enhancing compensation.

4. No other argument is raised on behalf of the appellants. I have heard Id. Counsel and perused the case file in detail.

5. Age of the deceased was determined to be 74 years at the time of accident on the basis of her Postmortem Report Ex.P1 and her Aadhar Card Ex.P5. It was the pleaded case of the appellants before the learned Tribunal that the deceased was doing peasantry work and was earning Rs.20,000/- p.m. However, no proof of income was produced. Accordingly, learned Tribunal had assessed notional income of the deceased as Rs.30,000/- p.a. I find no error in the same. As the claimants were 5 in number, 1/4th deduction has been correctly made; thereby calculating dependency to be Rs.22,500/- p.a. (Rs.30,000-Rs.7,500). As the deceased was 74 years old, no multiplier was liable to be applied. Yet, learned Tribunal has applied multiplier of 5 and calculated compensation amount of Rs.1,12,500/- (Rs.22,500 x 5). Learned Tribunal had further awarded Rs.15,000/- towards transportation and funeral expenses and Rs.40,000/- towards loss of consortium; thereby granting total compensation of Rs.1,67,500/-. It is to be noted that the claimants being married major sons and married daughters of the deceased, are not entitled to compensation. Therefore, in actual fact, a deduction of 50%



ought to have been made towards personal expenses. As already noted above, multiplier was not liable to be applied keeping in view the age of the deceased as 74 years.

6. Keeping in view the above, no ground is made out to enhance the compensation awarded to the appellants. The present Appeal is accordingly **dismissed**.

7. Pending application(s) if any also stand(s) disposed of.

20.01.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

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