

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****263****FAO-3667-2019(O&M)****Date of decision: 16.03.2026****Amarjit Kaur & Others****...Appellant(s)****Vs.****Avtar Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Ms. Sona Kaur, Advocate
for the appellants.Ms. Pahulpreet Kaur, Advocate for
Mr. G.S. Nahel, Advocate
for respondent No.2.Mr. Harsh Aggarwal, Advocate
for respondent No.3.*********NIDHI GUPTA, J.****CM-12951-CII-2019**

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.9,41,200/- awarded by the Motor



Accident Claims Tribunal, Sangrur (hereinafter 'the learned Tribunal') vide Award dated 12.11.2018 passed in Motor Accident Claim Case No.101 dated 27.04.2018 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 3 claimants are the 54-year-old widow, 34-year-old son, and 25-year-old son of deceased Harpal Singh, who was 52 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 the deceased Harpal Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 15.04.2018 due to the rash and negligent driving of Maruti Swift Car bearing registration No.PB-01-B-1526 (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 @ 7.5% per annum. Respondents No.1, 2 and 3 were held jointly and severally liable for payment of compensation.

3. Learned counsel for the appellants submits that compensation payable to the appellants deserves to be enhanced as the learned Tribunal has taken income of the deceased on the lower side as only Rs.8000/- per month; whereas the appellants had proved on record that the deceased was an agriculturist cultivating 2 acres of land and was also running a dairy farm. Further, age of the deceased has been wrongly taken to be 52 years.



Therefore, multiplier has also been wrongly applied. The amounts awarded under the conventional heads are also on the lower side inasmuch funeral expenses should be awarded @ Rs.1 lakh; Rs.40,000/- should be granted towards transportation; and consortium of Rs.1 lakh ought to be awarded. Interest should have been awarded @ 18%. It is accordingly prayed that the present appeal be allowed and the impugned Award be modified as above.

4. Per contra, learned counsel for the respondents No.2 and 3 oppose the submissions advanced on behalf of the appellants and submit that the impugned Award suffers from no error; and the 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 no merit in the submissions advanced on behalf of the appellants.

6. It was the pleaded case of the appellants before the learned Tribunal that prior to the accident, deceased was an agriculturist cultivating 2 acres of land and also running a dairy farm from which he was earning Rs.30,000/- per month. However, except for the oral testimony of CW2 Amarjit Kaur/claimant No.1/widow, no documentary proof of income was produced by the appellants to prove the said alleged income. In any event, it is undisputed that the agricultural land will remain with the LRs of the deceased viz the claimants/appellants herein; and therefore, only managerial loss is to be given. Accordingly, the learned Tribunal had assessed Rs.8000/-



per month by way of income. As per the relevant Notification, Minimum Wages at the relevant time were Rs.7852/-. Clearly therefore, the Tribunal has already assessed income of the deceased in excess of what is admissible.

7. Further, age of the deceased was determined to be 52 years at the time of accident, on the basis of his Aadhaar Card (Ex.C3). Accordingly, the learned Tribunal had correctly made an addition of 10% towards future prospects; and had correctly applied multiplier of 11. Learned Tribunal has further correctly made a deduction of 1/3rd towards personal expenses. Under the conventional heads, the Tribunal has awarded an amount of Rs.40,000/- to claimant No.1/widow towards consortium; Rs.15,000/- towards funeral expenses; and Rs.15,000/- towards loss of estate; thereby granting total compensation of Rs.9,41,200/-.

8. 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.

9. Before parting, it may also be pointed out that in respect of the accident in question, an FIR No.44 dated 15.04.2018 was registered under Sections 304-A and 279 IPC at Police Station Longowal against respondent No.1, on the basis of statement made by complainant Manjinder Singh/claimant-appellant No.3 herein, who had appeared before the Criminal Court as PW1. In the said trial, the respondent No.1 has been acquitted by the learned Judicial Magistrate, 1st Class, Sangrur, vide judgment dated 18.05.2019, for the following reasons:-

“10. In the present case, the star witnesses of the prosecution i.e. PW1, complainant, on whose statement the criminal law was set into motion and PW2 attesting witness have turned hostile and did not support the prosecution story as both these witnesses have deposed that they do not know accused Avtar Singh and they do not identify the accused present in the Court and PW1 also deposed that accused present is not the same person who had caused the accident. So, the accused cannot be connected with the commission of offences alleged to have been perpetrated by him. To level accusations is one thing and to



prove the same and that also beyond all reasonable doubts is another thing. Notwithstanding, accusations leveled against the accused, the prosecution has failed in proving its case against the accused beyond all reasonable doubts. It is established law that prosecution has to prove its case beyond all reasonable doubts and if there is any doubt then the benefit of the same must go to the accused over all. As such both the points of determination are decided against the prosecution.”

10. In this situation, reference may be made to a judgment of this Court in **“Shri Ram General Insurance Company Limited Vs. Jeeto Devi & Others”** FAO-2231-2014 decided on 03.12.2019, wherein it is held that: -

*“(6) This Court cannot loose sight of the judgment rendered by this Court in the case of **United India Insurance Company Limited versus Kamla Devi and others 2010(53) RCR (Civil) 651**, wherein it was specifically held that in case an eye witness gives totally different version before the Court conducting trial in criminal case from the statement made by the said eye witness before the Tribunal, the testimony of such a witness is unworthy of being accepted and the evidence should be simply rejected. In fact, the learned Single Bench came down heavily on such witness and held that the said witness is also liable for perjury.”*

11. Learned counsel for the appellants is unable to dispute or controvert the aforesaid facts and findings. Therefore, in actual fact, appellants ought to have been held liable for perjury, and no compensation was payable to them.



12. In view of the above, present appeal stands **dismissed**.
13. Pending application(s) if any also stand(s) disposed of.

16.03.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No