

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****145****FAO-5214-2025(O&M)****Date of decision: 16.04.2026****Sitara Khatun & Others****...Appellant(s)****Vs.****Naresh Sharma & Another****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Munfaid Khan, Advocate
for the appellants.***********NIDHI GUPTA, J.****CM-17434-CII-2025**

This is an application under Section 151 CPC for condonation of delay of 111 days in re-filing of the appeal.

After going through the contents of the application, which is supported by affidavit of appellant No.1, the same is allowed subject to all just exceptions and delay of 111 days in re-filing present appeal is condoned.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.22,83,900/- awarded by the Motor Accident Claims Tribunal, Gurugram (hereinafter 'the learned Tribunal') vide Award dated 20.01.2025 passed in MACP Case No.90 dated 02.07.2021 filed under Section 166 of Motor Vehicles Act (hereinafter "the Act"). The 5 claimants are the 35-year-old widow, 13-year-old daughter, 9-year-old son,



8-year-old son and 55-year-old mother of deceased Salamudeen @ Alamdeen, who was 35 years old at 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 Salamudeen @ Alamdeen had died due to the injuries suffered by him in a motor vehicular accident that took place on 05.04.2021 at about 9:30 pm due to the rash and negligent driving of Car bearing registration No.HR-26EN-4642 (hereinafter “the offending vehicle”) being owned and driven by respondent No.1 and insured by respondent No.2. The said compensation has been awarded along with interest @ 6% per annum. Respondents were held jointly and severally liable for payment of compensation.

3. The only ground on which learned counsel for the appellants seeks enhancement of compensation is that less amounts have been awarded under the conventional heads. Even rate of interest has been applied on the lower side. It is accordingly prayed that the present appeal be allowed; and the impugned Award be modified.

4. No other argument is made on behalf of 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.

5. A perusal of record of the case shows that it was the pleaded case of the appellants before the Tribunal that deceased was running his



own workshop in the name and style of M/s Alam Auto Works and was earning Rs.50,000/- per month. However, no evidence whatsoever was tendered by the appellants to prove the above-said assertions. No Income Tax Returns, Account Statements or any other evidence was produced to prove the alleged avocation or income of the deceased. Accordingly, the learned Tribunal had taken income of the deceased as Rs.10,188/- per month on the basis of relevant Minimum Wage Notification issued by the Government of Haryana in the year 2021. I find no error in the same.

6. Age of the deceased was determined to be 35 years at the time of accident on the basis of Aadhaar Card of the deceased (Ex.R2) wherein his date of birth is mentioned as 05.05.1985. Accordingly, the learned Tribunal has correctly made an addition of 40% towards future prospects; and correctly applied multiplier of 16. As there were 5 claimants, the learned Tribunal had correctly made a deduction of 1/4th towards personal expenses. Under the conventional heads, the learned Tribunal has awarded Rs.15,000/- towards loss of estate, Rs.15,000/- towards funeral expenses; and Rs.40,000/- to each of the 5 claimants towards loss of consortium; thereby granting total compensation of Rs.22,83,900/-.

7. From the above, it is clear that a very just and fair compensation has been awarded to the appellants in consonance with the law laid down by the Hon'ble Supreme Court. 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.

8. Learned counsel for the appellants is unable to dispute or controvert the aforesaid facts and findings.

9. In view of the above, present appeal stands **dismissed**.

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

16.04.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No