

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****272-3****FAO-150-2022 (O&M)****Date of decision: 29.01.2026****Balbir Singh and another****...Appellant(s)****Vs.****Varinder Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. B.D.Sharma, Advocate
for the appellants.

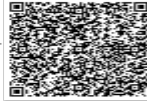
Mr. Rishav Jain, Advocate for respondent No.1.

Mr. Aman Sharma, Advocate for the respondent
No.2 and 3-PRTC.

NIDHI GUPTA, J.

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.5,74,000/- awarded by the learned Motor Accident Claims Tribunal, Jalandhar (hereinafter "the learned Tribunal") vide Award dated 05.08.2019 passed in MACP Case No. 164 dated 16.07.2018 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The 3 claimants before the learned Tribunal are 65-year-old husband; 47-year-old son; and 46-year-old married daughter of the deceased Balwinder Kaur, who was 64 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

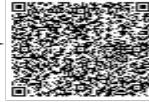


deceased-Balwinder Kaur had died due to the injuries suffered by her in a motor vehicular accident that took place on 30.05.2018 due to the rash and negligent driving of a Bus bearing registration No.PB-10DR-1115 (hereinafter “the offending vehicle”) being driven by respondent No.1; and owned by respondents No.2 and 3. The Tribunal awarded the above compensation along with interest @ 6% per annum. Respondents No. 1 to 3 were held liable to pay the said compensation jointly and severally.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that appellants had clearly pleaded and proved before the learned Tribunal that the deceased was running a dairy farm and earning Rs.8,000/- p.m. Besides doing dairy farming work, she was contributing towards the family. It is pointed out that even at the time of passing of impugned Award, minimum wages for unskilled worker was Rs.7,852.17 p.m. Therefore, income of the deceased has been taken on the lower side as only Rs.6,000/-p.m.

4. It is further contended that multiplier has been applied on the lower side. Nothing has been awarded for future prospects; and conventional heads are also on the lower side.

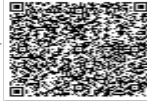
5. *Per contra*, learned counsel for respondents No.1, 2 and 3 oppose submissions of the appellants and submit that the impugned Award suffers from no infirmity as the compensation awarded to the appellants is just and fair. Hence, the present appeal deserves to be dismissed.



6. No other argument is raised on behalf of the parties. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellants.

7. It is the pleaded case of the appellants before the learned Tribunal that deceased was running a dairy farming and was earning Rs.8,000/- p.m. besides doing household work and she was contributing services towards the family. To prove their case, the appellants have examined PW2 Paramjit Kaur, who had produced and proved statement of account Ex.PD, to show that the deceased was selling milk with Sikandarpur Milk Producers Cooperative Society from 01.01.2018 to 30.05.2018. However, learned Tribunal has correctly deduced that no loss of income would be caused to the appellants as the said dairy farm would be run by the appellants. Therefore, appellants have not suffered any loss of income due to the death of the deceased in respect of income from dairy farming. As such, Tribunal has assessed income of the deceased as Rs.6,000/- p.m. or Rs.72,000/- p.a. towards contribution in household. In this circumstance, I find no error in the income as assessed by the learned Tribunal.

8. Further, age of the deceased was taken to be 64 years on the basis of the pleadings. Therefore, multiplier of 7 has been correctly applied; thereby calculating compensation to be Rs.5,04,000/- (Rs.72,000 x 7). Id. Tribunal has further awarded Rs.15,000/- towards loss of estate; Rs.15,000/- towards funeral expenses; and Rs.40,000/- towards loss of consortium to claimant No.1-husband of the deceased; thereby

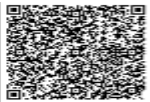


granting total compensation of Rs.5,74,000/- (Rs.5,04,000 + Rs.15,000 + Rs.15,000 + Rs.40,000).

9. Claimants No. 2 and 3 being 47-year-old son; and 46-year-old married daughter of the deceased are not entitled to compensation. The Hon'ble Supreme Court in **Deep Shikha v. National Insurance Company Ltd., (SC) : Law Finder Doc ID # 2729764**, has categorically held that married daughter of deceased is not entitled to compensation, unless financial dependency is proved. In present case, no such financial dependence has been proved.

10. From the above facts, it is clear that a very just and fair compensation has been awarded to the appellant. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellant. 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.

11. Accordingly, I find no error in the compensation awarded by the learned Tribunal. The present Appeal stands **dismissed**.



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

29.01.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

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