

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**FAO-3468-2025 (O&M)
Date of decision: 15.01.2026

Smt. Saroj and others

...Appellants

Versus

Bajinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Ms. Harmanpreet Kaur, Advocate for the appellants.

DEEPAK GUPTA, J. (ORAL)**CM-11061-CII-2025**

This is an application under Section 5 of the Limitation Act for condonation of delay of 71 days in filing the appeal.

Heard.

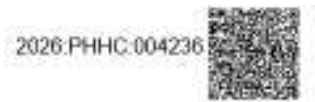
For the reasons as mentioned in the application, the same is allowed and delay of 71 days in filing the appeal is condoned.

FAO-3468-2025

One Sukhpal lost life in a motor vehicular accident, which took place on 01.01.2023, due to rash and negligent driving of Haryana Roadways Bus No.HR-56-B-3577. His wife and two children filed a petition under Section 166 of the Motor Vehicles Act seeking compensation from driver, owner and insurer of the offending vehicle. Learned Tribunal after appreciating the evidence on record, awarded the compensation of Rs.9,99,000/- payable jointly and severally by the respondents along with interest.

2. Not satisfied with the quantum of compensation, the claimants have approached this Court seeking enhancement.

3. The only point raised by learned counsel is that income of the deceased has been taken by the Tribunal on the lower side, inasmuch as, deceased was an agriculturist and therefore, his income taken by the Tribunal to be Rs.10,532/- is on the lower side and that this income should



have been taken to be higher.

4. A perusal of the award would reveal that notional income of the deceased has been taken based upon the minimum wages applicable at the relevant time in the absence of any cogent proof regarding the actual earning of the deceased. Learned counsel for the appellants concedes that no documentary evidence was produced regarding the income of the deceased. Merely because deceased was an agriculturist or used to run a dairy farm as is contended, the income could not be assumed to be more than the minimum wages at the relevant time for unskilled labour, particularly when no evidence was produced regarding educational or technical qualification of the deceased.

5. As such, the appellants failed to make out any case for enhancement.

6. Dismissed.

15.01.2026
Yogesh

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No