IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-4920-2010(O&M)
Date of decision: 15.01.2026

Kiranpreet Kaur & Others

...Appellant(s)

Vs.

Bansi Lal & Others

...Respondent(s)

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CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rishabh Gupta, Advocate
Ms. Ankita Gupta, Advocate
for the appellants.

Mr. Vinod Chaudhri, Advocate
Mr. Ajay Kumar, Advocate
for respondent No.4.

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NIDHI GUPTA, J.

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.6,72,800/- awarded by the Motor Accident Claims Tribunal, Bathinda (hereinafter 'the learned Tribunal') vide Award dated 30.03.2010 passed in MAC Case No.34 dated 19.11.2008 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 4 claimants are the 42-year-old widow, 18-year-old daughter, 16-year-old son and 70-year-old mother of deceased Kanwardeep Singh, who was 39 years old at the time of accident.

2. Brief facts of the case are that the ld. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Kanwardeep Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 02.07.2006

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at about 7:30 am due to the rash and negligent driving of Bus bearing registration No.GJ-1-X-9754 (hereinafter "the offending vehicle") being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.4. The said compensation has been awarded along with interest @ 8% per annum. Respondents 1, 2 and 4 were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.5,000/- per month. It is submitted that the deceased was managing substantial agricultural holding to the extent of 63 killas and was earning Rs.50,000/- per month. Therefore, even if the managerial expenses are to be taken, income of the deceased ought to have been taken at least as Rs.10,000/- per month. It is further submitted that nothing has been awarded by way of future prospects. Even deduction of 1/3rd has been incorrectly made towards personal expenses and the same should be 1/4th as there were four claimants. It is submitted that in view of the evidence produced by the appellants, they are entitled to Rs.50 lakh as compensation. It is therefore, prayed that the present appeal be allowed and the impugned Award be modified.

4. Per contra, learned counsel for the respondent No.4 opposes 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 some merit in the submissions advanced on behalf of the appellants.

6. Needless to say, no loss of income would be caused to the appellants as the said 63 killas of land would be inherited by the claimants. CW2 widow has admitted in her cross-examination that the claimants are

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giving land in question measuring 63 killas on lease and that she gets Rs.2 lakh per annum. Thus, it was admitted that the agricultural land is still with the claimants; and therefore, at best the deceased was managing the land and managerial expenses were granted. Thus, sum of Rs.5,000/- per month has been correctly granted by the Tribunal by way of managerial expenses.

7. Learned Tribunal further made a deduction of 1/3rd towards personal expenses (Rs.3,400/- x 12 = Rs.40,800/- per annum). Age of the deceased was determined to be between 39-40 years as in the Claim Petition. Claimants have mentioned age of deceased as 39 years and his date of birth as 19.02.1967; whereas in the Post-Mortem Report, age of the deceased is mentioned as 40 years. Accordingly, the learned Tribunal had taken age of the deceased to be between 39-40; and applied multiplier of 16 (Rs.40,800/- x 16 = Rs.6,52,800/-); whereas as per the prevalent law, multiplier of 15 was required to be applied.

8. Under the conventional heads, the Tribunal has awarded Rs.5,000/- towards loss of estate; Rs.5,000/- towards funeral expenses and Rs.10,000/- towards loss of consortium; thereby granting total compensation of Rs.6,72,800/-.

9. It has been contended on behalf of the appellants that no addition has been made towards future prospects. However, learned counsel for the appellants has acknowledged that as per the law prevailing at that time, future prospects were not required to be added. However, keeping in view the totality of the circumstances, this Court deems it fit that ends of justice will be served if a lumpsum amount of Rs.1 lakh is added to the compensation already awarded to the claimants. Accordingly, the present appeal is **partly allowed**; and it is directed that besides the compensation of Rs.6,72,800/- awarded by the Tribunal, respondent No.3 shall make payment of Rs.1 lakh to the claimant No.1/widow of the deceased within a period of 4 weeks, on the same terms and conditions as contained in the Award.

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

15.01.2026 **(Nidhi Gupta)**
Sunena **Judge**

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

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