

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****121****FAO-3457-2024 (O&M)****Date of decision: 21.04.2026****Sunita Devi and others****...Appellant(s)****Vs.****Ombir and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Amandeep Singh, Advocate
for the appellants.

NIDHI GUPTA, J.

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.55,89,124/- awarded by the learned Motor Accidents Claims Tribunal, Jhajjar (hereinafter referred to as "the learned Tribunal") vide Award dated 24.04.2024 passed in MACP Case No. 251 dated 11.12.2020 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The 4 claimants are the 44-year-old widow; 25-year-old son; 22-year-old son; and 62-year-old mother of the deceased Ramphal, who was above 48 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-Ramphal had died due to the injuries suffered by him in a motor vehicular accident that took place on 18.08.2020 due to the rash and negligent driving of a Motorcycle bearing temporary registration No. HR-2020T-0880 (hereinafter "the offending vehicle") and now HR-34K-5378; being driven by



respondent No.1; owned by respondent No.2; and insured by respondent No.3. The above said compensation was awarded along with interest @ 6% per annum. All the respondents were held jointly and severally liable to pay the amount of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been assessed on the lower side. It is submitted that in assessing income of the deceased, learned Tribunal had failed to take into account the income of deceased from the agricultural and other sources regarding which enough evidence is there on the file. It is further submitted that multiplier has been applied on the lower side. Amount under the conventional heads is also on the lower side. Nothing has been granted for love and affection. It is argued that *“as the appellants are poor person, in such like circumstances, the appellant deserve to be granted more compensation.”* Future prospects should be 30% and not 25%. Litigation expenses have also been granted.

4. It is accordingly prayed that the present Appeal be allowed; and *“amount of compensation to the tune of Rs.1.00 Crore and the arrears of the amount of compensation may kindly be ordered to be released alongwith interest at the rate of 18% per annum.”*

5. No other argument is raised on behalf of learned counsel for the appellants. 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.

6. Perusal of the record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that deceased was a



pensioner being a retired ex serviceman. As per the Pension Payment Orders Ex.P11/Ex.P20 and bank statement Ex.P19, the deceased was drawing pension of Rs. 19737/- p.m. from the army. Though the deceased was drawing family pension of which some part would be available to the claimants, yet, Id. Tribunal had not made any deduction and taking into account the fact that deceased was Ex. Serviceman.

7. Learned Tribunal had also considered the fact that prior to the accident, deceased was serving as SPO in Haryana Police Department, Gurugram - as is evident from Service Book Ex.P10 and Enrollment Letter Ex.P13; and was drawing Rs.18,000/- p.m. as salary from Haryana Police Department as evident from salary record Ex.P18. Accordingly, learned Tribunal had assessed income of the deceased as Rs.37,737/- per month (Rs.19,737+Rs.18,000).

8. Further, age of the deceased was determined to be more than 48 years at the time of accident on the basis of his Service Book Ex.P10 and PPO Order Ex.P20; wherein his date of birth is recorded as 01.03.1972. Accordingly, learned Tribunal had correctly made addition of 25% towards future prospects; and applied multiplier of 13. Contention of the appellants that future prospects @ 30% ought to have been applied, is without merit as deceased was not in a permanent salaried job after retirement.

9. Further, as there were 4 claimants, Tribunal had made addition of 1/4th towards personal expenses. It is my view that the claimants No. 2 and 3 being 25-year-old and 22-year-old son of the deceased, deduction of 1/3rd ought to have been made. Under the conventional heads, learned

Tribunal had awarded an amount of Rs.15,000/- towards funeral expenses; Rs.15,000/- towards loss of estate; and Rs.40,000/- towards loss of consortium; thereby granting total compensation of Rs.55,89,124/-in the following manner: -

Sr. No.	Heads	Calculation (in Rs.)
(i)	Income/Pension	Rs.37,737/- per month
(ii)	After adding 25% future prospects	Rs.47,171/-
(iii)	Deduction (1/4th towards personal expenses)	Rs.11,792/-
(iv)	Annual dependency	Rs.4,24,548/- (Rs.35,379 x 12)
(v)	Multiplier	13
(vi)	Loss of dependency	Rs.55,19,124/- (Rs.4,24,548/- x 13)
(vii)	Loss of estate	Rs.15,000/-
(viii)	Funeral expenses	Rs.15,000/-
(ix)	Loss of consortium	Rs.40,000/-
	Total compensation awarded	Rs.55,89,124/-

10. I find no error in the above compensation awarded by Tribunal.

11. From the above facts, it is clear that 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 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. In 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 compensation.

12. The Apex Court in the case of Reshma Kumari v. Madan Mohan (SC) 2013(5) Scale 160; Law Finder Doc ID # 421379 has further gone on to hold that: *“Motor Vehicles Act, 1988, Section 168 - Section 168 provides that amount of compensation awarded by the Claims Tribunal which appears to it to be just - The expression, 'just' means that the amount so determined is fair, reasonable and equitable by accepted legal standards and not a forensic lottery - Obviously 'just compensation' does not mean 'perfect' or 'absolute' compensation - The just compensation principle requires examination of the particular situation obtaining uniquely in an individual case.”*

13. In view of the above, I find no ground is made out to interfere in the impugned Award. The present Appeal stands **dismissed**.

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

21.04.2026

Divyanshi

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No

(NIDHI GUPTA)

JUDGE