



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
254(2)**

**FAO-1292-2021(O&M)
Date of decision: 06.05.2026**

Babli

...Appellant(s)

Vs.

Vikram & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ajay Vijarania, Advocate
for the appellants.

Mr. Vijay Sangwan, Advocate
for respondent No.1.

Mr. Om Pal Sharma, Advocate
for respondent No.2.

NIDHI GUPTA, J.

CM-9561-CII-2021

This is an application under Section 5 of Limitation Act for
condonation of delay of 305 days in filing the appeal.

After going through the contents of the application, the same is
allowed subject to all just exceptions and delay of 305 days in filing the
present appeal is condoned.

MAIN CASE

Present appeal has been filed by the claimant no.1 seeking
enhancement of compensation of Rs.6,10,000/- awarded by the Motor
Accident Claims Tribunal, Hisar (hereinafter 'the learned Tribunal') vide
Award dated 10.10.2019 passed in Claim Petition No.54 dated 12.04.2018



filed under Section 166 of Motor Vehicles Act (hereinafter “the Act”). The two claimants are the 35-year-old mother and 40-year-old father of deceased Kush, who was 4 years old at the time of accident. Present appeal has been filed by claimant No.1/mother of the deceased.

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 Kush had died due to the injuries suffered by him in a motor vehicular accident that took place on 24.07.2017 at about 3 pm due to the rash and negligent driving of Car bearing registration No.HR-21G-4427 (hereinafter “the offending vehicle”) being owned and driven by respondent No.1 and insured by respondent No.2. The compensation has been awarded along with interest @ 7% per annum. Respondent No.2 was held liable to pay the compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that the Tribunal has not decided the case in consonance with the beneficial provisions of the Act. It is submitted that it is a case of death of 4-year-old child therefore, compensation of Rs.10 lakh ought to have been awarded with interest @ 18% per annum. It is accordingly prayed that the present appeal be allowed and impugned Award be modified.

4. Mr. Vijay Sangwan, Advocate appears on behalf of respondent No.1 and Mr. Om Pal Sharma, Advocate appears on behalf of respondent



No.2 and file their respective Memorandum of Appearance, which are taken on record.

5. Per contra, learned counsel for the respondents oppose 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.

6. No other argument is made on behalf of the parties. 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.

7. Deceased in the present case is a 4-year-old infant. The learned Tribunal while taking into consideration the landmark judgment of “**Kishan Gopal & Another Vs. Lala & Others**” 2013(4) RCR (Civil) 276, had taken notional income of the deceased as Rs.30,000/- per annum. Nothing to the contrary has been shown by the appellants which would merit enhancement of income of the deceased. As per judgment of the Hon’ble Supreme Court in “**National Insurance Company Ltd. VS. Pranay Sethi & Others**” Law Finder Doc ID # 918174, multiplier of 15 is required to be applied for deceased children between ages of 0-15; whereas in the present case, the learned Tribunal has applied multiplier of 16. Further, the Tribunal has awarded an amount of Rs.1,00,000/- towards loss of love and affection; and Rs.30,000/- has been awarded on account of transportation and funeral expenses;



thereby awarding total compensation of Rs.6,10,000/-. I find no ground is made out for enhancement of compensation.

8. The Hon'ble Supreme Court in **Rajendra Singh and others vs National Insurance Company Limited and others, 2020 (3) RCR (Civil) 26** – wherein deceased was 12 years old, had awarded compensation of Rs.2.95 lacs; and **Kishan Gopal and another vs Lala and others, 2013 ACJ 2594 (SC)** – wherein deceased was 10 years old and compensation of Rs.5 lacs was awarded; and of this Court in **Shashi Bala vs Sudarshan Kumar and others, 2015 ACJ 1728** – wherein deceased was 17 years old and compensation of Rs.5.00 lacs was awarded.

9. From the above, it is clear that in the facts and circumstances of the case, a very 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 & 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.

10. In view of the above-noted factual and legal position, no ground is made out for enhancement of the compensation awarded to the appellants. Resultantly, present appeal stands **dismissed**.

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

06.05.2026

Sunena

(Nidhi Gupta)
Judge

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