

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****254****FAO-1135-2021(O&M)****Date of decision: 06.05.2026****Kamlesh & Another****...Appellant(s)****Vs.****Vikram & Another****...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-8999-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 claimants seeking
enhancement of compensation of Rs.12,46,000/- awarded by the Motor
Accident Claims Tribunal, Hisar (hereinafter 'the learned Tribunal') vide
Award dated 10.10.2019 passed in Claim Petition No.53 dated 12.04.2018



filed under Section 166 of Motor Vehicles Act (hereinafter “the Act”). The two claimants are the 45-year-old widow and 22-year-old daughter of deceased Satpal, who was 45 years old at the time of accident.

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 Satpal 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 income of the deceased has been taken on the lower side. Nothing has been awarded by way of filial consortium. Nothing has been awarded even towards future prospects. Interest is also on the lower side. 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 merit in the submissions advanced on behalf of the appellants.

7. Perusal of record of the case shows that it was the pleaded case of the appellants before the Tribunal that prior to the accident, the deceased was doing agricultural work and earning Rs.25,000/- per month. However, the appellants had failed to lead any evidence to prove the said income or profession of the deceased. Accordingly, the learned Tribunal had taken income of the deceased as Rs.10,000/- per month on the basis of Minimum Wage Guidelines issued by the Government. I find no error in the same.

8. As there were 2 claimants, deduction of 1/3rd has been correctly made towards personal expenses. Age of deceased was determined to be 45 years on the basis of pleadings. Keeping in view the age of the deceased, addition of 25% was liable to be made towards future prospects. However, the learned Tribunal has failed to do so. Multiplier of 14 has been correctly applied. Under the conventional heads, the learned Tribunal has awarded Rs.15,000/- towards loss of estate; Rs.40,000/- towards consortium; and Rs.15,000/- towards funeral expenses. Therefore, claimant No.2 is also



entitled to parental consortium of Rs.40,000/-; and compensation payable to the claimants is re-assessed in the following manner:-

Head	Awarded by learned Tribunal	Re-assessed compensation
Monthly income	Rs.10,000/-	Rs.10,000/-
Future prospects	Nil	25% ₹12,500/-
Deduction	1/3 rd	1/3 rd
Net income	Rs.7000/-	Rs.8334/-
Yearly income	Rs.7000/- x 12 = Rs.84,000/-	Rs.8334/- x 12 = Rs.1,00,008/-
Multiplier	(14) Rs.84,000/- x 14 = Rs.11,76,000/-	(14) Rs.84,000/- x 14 = Rs.14,00,112/-
Loss of estate	Rs.15,000/-	Rs.15,000/-
Consortium to claimant No.1	Rs.40,000/-	Rs.40,000/-
Consortium to claimant No.2	--	Rs.40,000/-
Funeral expenses	Rs.15,000/-	Rs.15,000/-
Total	Rs.12,46,000/-	Rs.15,10,112/-
Interest	7%	7%

9. The present appeal stands **allowed**, as above.
10. 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