



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
254(3)**

**FAO-1485-2021(O&M)
Date of decision: 06.05.2026**

Deepika & Others

...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-9979-CII-2021

This is an application under Section 5 of Limitation Act for
condonation of delay of 318 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 318 days in filing the
present appeal is condoned.

MAIN CASE

Present appeal has been filed by the claimants seeking
enhancement of compensation of Rs.12,22,000/- awarded by the Motor
Accident Claims Tribunal, Hisar (hereinafter 'the learned Tribunal') vide



Award dated 10.10.2019 passed in Claim Petition No.52 dated 12.04.2018 filed under Section 166 of Motor Vehicles Act (hereinafter “the Act”). The 5 claimants are the 20-year-old daughter, 17-year-old daughter, 15-year-old son, 13-year-old son and husband of deceased Surindro Kaur, who was 35 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 Surindro Kaur had died due to the injuries suffered by her 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. Ld. counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side. Interest should have been awarded @ 18% per annum. It is accordingly prayed that 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. Ld. 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 some merit in the submissions advanced on behalf of the appellants.

7. The deceased was a housewife at the time of accident. The appellants had produced no proof regarding any income of the deceased. Accordingly, the learned Tribunal had assessed notional income of the deceased as Rs.8000/- per month towards services rendered by her in the household. I find no error in the same.

8. Further, age of the deceased was determined to be 35 years at the time of accident on the basis of her Post-Mortem Report (Ex.P4). Accordingly, multiplier of 16 has been correctly applied. Claimant No.5 being husband of the deceased was not dependent upon her. Accordingly, the learned Tribunal had correctly made a deduction of $\frac{1}{4}$ th towards personal expenses. As notional income of the deceased had been assessed, therefore, no future prospects were liable to be added. Under the conventional heads, the learned Tribunal has awarded Rs.15,000/- towards loss of estate; Rs.40,000/- towards loss of consortium; and Rs.15,000/- towards funeral expenses. It is my view that consortium is also payable to the 4 minor children of the deceased. Accordingly, compensation is reassessed as follows: –



Head	Awarded by learned Tribunal	Re-assessed compensation
Monthly income	Rs.10,000/-	Rs.10,000/-
Deduction	1/3 rd	1/3 rd
Net income	Rs.7000/-	Rs.7000/-
Yearly income	Rs.7000/- x 12 = Rs.84,000/-	Rs.7000/- x 12 = Rs.84,000/-
Multiplier	(14) Rs.84,000/- x 14 = Rs.11,76,000/-	(14) Rs.84,000/- x 14 = Rs.11,76,000/-
Loss of estate	Rs.15,000/-	Rs.15,000/-
Consortium to claimant No.1	Rs.40,000/-	Rs.40,000/-
Consortium to claimants No.2 to 4	--	Rs.40,000/- x 4 = Rs.1,60,000/-
Funeral expenses	Rs.15,000/-	Rs.15,000/-
Total	Rs.12,46,000/-	Rs.14,06,000/-
Interest	7%	7%

9. In view of the above, present appeal stands **partly allowed**.
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