IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-4613-2025(O&M)
Date of decision: 05.03.2026

Anita Devi & Others

...Appellant(s)

Vs.

Satish & Others

...Respondent(s)

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CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ashok Chhikara, Advocate
for the appellants.

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NIDHI GUPTA, J.

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.19,73,976/- awarded by the Motor Accident Claims Tribunal, Rohtak (hereinafter 'the learned Tribunal') vide Award dated 18.03.2025 passed in MACP Case No.97 dated 09.03.2021 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 5 claimants are the widow, two minor children and parents of deceased Rajender Singh, who was 41 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 Rajender Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 17.01.2021 at about 8:30 pm due to the rash and negligent driving of Car bearing

registration No.HR-12-S-7515 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The said compensation has been awarded along with interest @ 7.5% per annum. Respondents No.1 and 2 were held liable to pay the compensation amount and respondent No.3 shall indemnify the respondents No.1 and 2.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that the appellants had duly proved on record that the deceased was a CLG Operator and earning Rs.25,000/- per month. He was the sole breadwinner of his family comprising of his widow, two minor children and aged parents. The appellants had produced substantial documentary evidence to prove the said employment and income of the deceased. Yet the learned Tribunal has taken income of the deceased as only Rs.10,780/- per month on the basis of basic salary. Learned counsel contends that income of the deceased ought to have been assessed on the actual earnings including consistent components beyond the basic salary. It is contended that the deceased was regular employee in a reputed company with proven track record of overtime. Thus, income of the deceased has been assessed on the lower side.

4. It is further submitted that multiplier has been wrongly applied based on the age of the deceased as 41 years. It is submitted that a more compassionate consideration should have been given to the

advanced age of parents requiring higher dependency and therefore, higher multiplier ought to have been applied. Even deduction of 1/5th should have been made. Furthermore, consortium of Rs.70,000/- each ought to have been awarded. Learned counsel accordingly prays for modification of the impugned Award.

5. No other argument is made on behalf of the appellants. 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.

6. Perusal of record of the case shows that it was the pleaded case of the appellants that prior to the accident, the deceased was working as a CLG Operator in Mahindra Fasteners Ltd. and getting Rs.20,250/- per month plus other allowances and overtime; and was thereby getting total income of Rs.25,000/- per month. To prove their said assertion, the appellants had examined PW3 Vinod Kumar Sharma, Senior Manager, who had proved Appointment Letter of the deceased (Ex.P4); and Salary Slip of the deceased for the month of January 2021 (Ex.P11). As per Ex.P11, basic salary of the deceased was Rs.10,780/-. Accordingly, learned Tribunal had assessed income of the deceased as Rs.10,780/- per month. I find no error in the same as there is nothing whatsoever on record to prove that the deceased had done any overtime. It is not the case of the appellant that the deductions of allowances paid to the deceased were not in accordance with Law.

7. Age of the deceased was determined to be 41 years at the time of accident, on the basis of his Post-Mortem Report (Ex.P5). Accordingly, the learned Tribunal had made an addition of 25% towards future prospects; and applied multiplier of 14 in accordance with law. The argument of learned counsel for the appellants that multiplier has been incorrectly applied, is misplaced as learned Tribunal has applied the said multiplier in keeping with the judgment of the Hon'ble Supreme Court in "**Sarla Verma Vs. Delhi Transport Corporation" (2009) AIR (SC) 3104 Law Finder Doc ID # 188882.** As there were 5 claimants, the learned Tribunal has correctly made a deduction of 1/4th. Learned Tribunal has therefore, awarded compensation in the following manner: -

Head	**Amount**
Monthly income	Rs.10,780/-
Future prospects @ 25%	Rs.10,780/- + Rs.2695/- = Rs.13,475/-
Deduction of 1/4th towards personal expenses	Rs.13,475/- - Rs.3368/- = Rs.10,107/-
Annual income	Rs.10,107/- x 12 = Rs.1,21,284/-
Multiplier of 14	Rs.1,21,284/- x 14 = Rs.16,97,976/-
Loss of estate	Rs.15,000/- + 20% increase = Rs.18,000/-
Funeral expenses	Rs.15,000/- + 20% increase = Rs.18,000/-
Loss of consortium Filial Spousal	 Rs.1,92,000/- (Rs.48,000/- x 4) Rs.48,000/- Total : Rs.2,40,000/-
Total	**Rs.19,73,976/-**

8. 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.

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

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

05.03.2026 **(Nidhi Gupta)**
Sunena **Judge**

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