

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****119****FAO-5902-2023(O&M)****Date of decision: 11.05.2026****Sandhya @ Sandhya Devi & Others****...Appellant(s)****Vs.****Baljeet Singh & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Neeraj Khanna, Advocate
for the appellants.***********NIDHI GUPTA, J.****CM-20158-CII-2023**

This is an application under Section 151 CPC for condonation of delay of 28 days in re-filing the appeal.

After going through the contents of the application, which is supported by affidavit of learned counsel for the appellants, the same is allowed subject to all just exceptions and delay of 28 days in re-filing the present appeal is condoned.

CM-20161-CII-2023

This is an application under Section 5 of Limitation Act for condonation of delay of 95 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of the appellant No.1, the same is allowed subject to all just exceptions and delay of 95 days in filing present appeal is condoned.

**MAIN CASE**

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.14,34,250/- awarded by the Motor Accident Claims Tribunal, Chandigarh (hereinafter 'the learned Tribunal') vide Award dated 11.01.2023 passed in MACP No.708 dated 13.11.2019 filed under Section 166 of Motor Vehicles Act (hereinafter "the Act"). The 5 claimants are the 43-year-old widow, 22-year-old son, 19-year-old son, 15-year-old son and 12-year-old daughter of deceased Satnam Singh, who was 41 years 6 months old at the time of accident. Present appeal has been filed by claimants No.1 to 4 i.e. 46-year-old widow, 25-year-old son, 22-year-old son and 15-year-old daughter of the deceased. Claimant No.5 is the pro-forma respondent No.3 herein.

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 Satnam Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 28.10.2019 due to the rash and negligent driving of Car bearing registration No.HP-93-3113 (hereinafter "the offending vehicle") being driven and owned by respondent No.1 and insured by respondent No.2. The compensation has been awarded along with interest @ 8% per annum. Respondents were held jointly and severally 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 as only Rs.7500/- per month as that of an unskilled worker. It is submitted that the appellants had duly proved on record that deceased was an agriculturist and earning Rs.18,000/- per month. The appellants had examined PW1 widow of the deceased, who had attested to the above-said facts. Moreover, the learned Tribunal ought to have awarded Rs.1 lakh each on account of loss of consortium. It is accordingly prayed that the present appeal be allowed and Award be modified.
4. 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.
5. 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 an agriculturist and earning Rs.18,000/- per month. However, except for the bald statement of PW1/claimant No.1/widow of the deceased, no documentary evidence has been produced by the appellants in the form of Jamabandi or J-Forms to prove their assertion. In the absence of evidence, the learned Tribunal had correctly assessed income of the deceased as Rs.7500/- per month as that of an unskilled worker on the basis of relevant Minimum Wage Notification. I find no error in the same.



6. Further, age of the deceased was determined to be 41 years and 6 months on the date of accident on the basis of his Aadhaar Card wherein his date of birth is mentioned as 12.04.1978. Accordingly, the learned Tribunal had correctly made an addition of 25% towards future prospects; and had correctly applied multiplier of 14. Deduction of 1/4th has been correctly made towards personal expenses.

7. Under the conventional heads, learned Tribunal has awarded only of Rs.44,000/- towards consortium to each of the 5 claimants; Rs.16,500/- towards loss of estate; and Rs.16,500/- towards funeral expenses; thereby awarding total compensation of Rs.14,34,250/-.

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. Learned counsel for the appellants is unable to dispute or controvert the aforesaid facts and findings.

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

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

11.05.2026

Sunena

(Nidhi Gupta)
Judge

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