IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

119 **FAO-3819-2024 (O&M)**
Date of decision: 11.02.2026

Reena and others **...Appellant(s)**

Vs.

Navdeep and others **...Respondent(s)**

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Abhishek Jindal, Advocate for the appellant through V.C.

***

NIDHI GUPTA, J.

CM-13935-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 of Code of Civil Procedure is for condonation of delay of 31 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is supported by an affidavit of the applicant/appellant No.1, the same is allowed and delay of 31 days in filing the accompanying appeal is condoned.

FAO-3819-2024 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.24,45,810/- awarded by the learned Motor Accident Claims Tribunal, Jind (hereinafter referred to as "the learned Tribunal") vide Award dated 05.04.2024 passed in MACP Case No. 10 dated

07.01.2022 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The 8 claimants are the 30-year-old widow, minor son; parents; and 4 married sisters of the deceased Amit Kumar, who was 34½ years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Amit Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 27.09.2021 due to the rash and negligent driving of a Pajero bearing registration No. HR-14M-0077 (hereinafter "the offending vehicle") being driven and owned by respondent No.1; and insured by respondent No.2. The above said compensation was awarded along with interest @ 9% per annum. Respondents No.1 and 2 were held jointly and severally liable to pay the amount of compensation.

3. Learned counsel for the appellants *inter alia* submits that compensation paid to the appellants is liable to be enhanced as income of the deceased has been taken on the lower side as only Rs.10,629/- per month. It is submitted that the appellants had proved on record that the deceased was working as Senior Officer in India Infoline Finance Limited (hereinafter referred to as "IIFL") and was drawing a salary of Rs.25,000/-. Appellants had produced Abhishek Sharma, Branch Manager, IIFL, Jind, who had produced the summoned record pertaining to employment of Amit Kumar. Learned counsel contends that in the said circumstance, learned Tribunal was in patent error in assessing income of the deceased as only Rs.10,629/- per month. Further, ld. counsel very fairly concedes that income

of the deceased to the tune of Rs.60,000/- p.m. from managing and cultivating 12 acres of land, is not being pressed in view of the fact that the said income is now being derived by the claimants. It is submitted that nothing has been paid for loss of estate.

4. It is accordingly prayed that the present Appeal be allowed; and the compensation be enhanced in above terms.

5. No other argument is raised on behalf of learned counsel for the appellants. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the appellants.

6. A perusal of the record of the case shows that the learned Tribunal has already awarded compensation more than what was payable to the claimants as per law. It was the case of the appellants that at the time of accident, the deceased was working as Senior Officer in IIFL office at Jind and drawing monthly salary of Rs.25,000/- p.m. Appellants had also pleaded that besides the above, deceased was also earning Rs.10,000/- p.m. by providing Finance Consultancy Services to the general public; and also earning Rs.60,000/- p.m. from agriculture; and thereby deceased was earning total amount of Rs.95,000/- p.m.

7. As noted above, appellants have examined PW3 Abhishek Sharma, Branch Manager, IIFL, Jind who had produced and proved the service record of the deceased comprising of New Joinee Check List as Ex.P4; Offer Letter as Ex.P5; Affidavit as Ex.P6 and pay slip as Ex.P7. However, as has been admitted by the appellants in the present Grounds of Appeal, deceased

had joined as Senior Officer, IIFL, only on 20.09.2021 i.e. only one week prior to the accident which had taken place on 27.9.2021. Needless to say, this casts shadow of doubt on the recent employment of the deceased.

8. Nonetheless, as per the salary slip Ex.P7, deceased had received salary of only Rs.11,973/-. It has been pleaded in the Grounds of Appeal that the said salary was only for a period of 15 days; otherwise, deceased would have drawn salary of Rs.25,000/- p.m. However, the said contention of the appellants does not inspire confidence of this Court as a perusal of the salary slip Ex.P7 shows that basic pay of deceased was Rs.6,538/-; and the remaining amounts were paid to the deceased by way of various allowances. Accordingly, learned Tribunal had deducted allowances in accordance with law and assessed monthly income of the deceased as Rs.10,629/- p.m. Besides the bald statement of the appellants, there is nothing to support their contention that the said salary was only for a period of 15 days. In any event, no explanation has been given by the appellants that if the said salary was only for 15 days, why the said fact was not brought to the notice of the Tribunal. Moreover, perusal of the tax computation for the year 2021-2022 Ex.P15, shows that prior to IIFL, deceased had been working with HDB Finance Services and had drawn gross salary of only Rs.1,07,306/-. In these circumstances, I find no error in the income as assessed by the Tribunal.

9. Age of the deceased was determined to be 34 ½ years at the time of accident on the basis of his Matriculation Examination Mark Sheet Ex.P23 wherein his date of birth is mentioned as 25.03.1987. Furthermore, admittedly, deceased had joined IIFL only one week prior to the accident.

Therefore, by no stretch of the imagination, can the employment of the deceased be termed as permanent or regular. For this reason, learned Tribunal was in error in making addition of 50% towards future prospects and the same ought to have been @ 40%. However, multiplier of 16 was correctly applied. Learned Tribunal has correctly held that claimant no.4/father of the deceased was not shown to be suffering from any ailment and was therefore not dependent on the deceased. Similarly, claimants no.5 to 8 being married sisters of the deceased were not held to be dependent on the deceased. PW1/claimant no.1/widow has admitted this fact in her deposition. It is my clear view that claimants No. 5 to 8 being married sisters of the deceased, were not entitled to compensation in view of the judgment passed by Hon'ble Supreme Court in **Deep Shikha v. National Insurance Company Ltd., (SC) : Law Finder Doc Id # 2729764** wherein it is held that "*Compensation under the Motor Vehicles Act, 1988 - Married daughter of deceased not entitled to compensation for loss of dependency unless proven financial dependency.*". Accordingly, Tribunal correctly made deduction of 1/3rd towards personal expenses of the deceased.

10. However, under the conventional heads, learned Tribunal had awarded a sum of Rs.77,000/- towards loss of estate, loss of consortium and funeral expenses to claimant no.1/widow. Besides that, a sum of Rs.44,000/- each was granted to claimants No. 2 to 8 as consortium.

11. Learned Tribunal has further awarded an amount of Rs.20,106/- as medical expenses as per the bills produced by the appellants. Accordingly, learned Tribunal has calculated the compensation in the following manner: -

Sr. No.	Heads	Calculation (in Rs.)
(i)	Income	Rs.10,629/-
(ii)	50% future prospects	Rs.15,943/- (Rs.10,629/- + Rs.5,314)
(iii)	1/3rd deduction as personal expenses of the deceased	Rs.1,27,544/- (Rs.15,943- Rs.5314 x 12)
(iv)	Compensation after multiplier of 16 is applied	Rs.1,27,544 x 16= Rs.20,40,704
(v)	Conventional heads i.e. loss of estate, loss of consortium and funeral expenses	Rs.77,000/-
(vi)	Parental and filial consortium	Rs.44,000/- each to claimants i.e. Rs.3,08,000/-
(vii)	Medical bills	Rs.20,106/-
	Total compensation awarded	**Rs.24,45,810/-**

12. From the above facts, it is clear that a more than 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 Vs. Jasbir Kaur" Law Finder Doc ID # 64043*** and ***"Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty and another" (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.

13. Accordingly, I find no error in the compensation awarded by the learned Tribunal. The present Appeal stands **dismissed**.

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

11.02.2026 **(NIDHI GUPTA)**
Divyanshi **JUDGE**

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