



FAO-5606-2022 (O&M)

- 1 -

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

110

FAO-5606-2022 (O&M)
Date of decision: 13.05.2026

RITU DEVI AND ANR

....Appellants

Versus**RAVINDER KUMAR AND ORS**

...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Gurpreet Singh, Advocate for
Mr. S.K. Panwar, Advocate for the appellants.

YASHVIR SINGH RATHOR. J.(Oral)**CM-18571-CII-2022**

Present application under Section 5 of the Limitation Act has been filed for condonation of delay of 40 days in filing the present appeal.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions. Delay of 40 days in filing the present appeal is condoned.

FAO-5606-2022

1. This appeal has been instituted against the Award dated 07.05.2022 for enhancement of compensation awarded in MACT case No.355 of 2018 decided by the MACT, Yamuna Nagar, Jagadhri (**for short “Tribunal”**) in a petition under Section 166 of Motor Vehicles Act, 1988 vide which a sum of Rs.27,98,000/- has been awarded as compensation to the claimants along with interest at the rate of 7.5% per annum from the date of filing of claim petition till realization on account of death of Davinder Kumar in a motor vehicle accident.



- 2-

2. I have heard learned counsel for the appellants and have gone through the material placed on the file.

3. Learned counsel for the appellants argued that income of the deceased has been assessed on the lower side. Infact, deceased was an agriculturist and he was also working as a Manager in Jai Krishan Stone Crusher, Deodhar and getting monthly salary of Rs.30,000/-. However, the Tribunal has ignored his agriculture income and has considered his income to be Rs.15,000/- per month only which he was getting as salary. Learned counsel further contends that the impugned Award is thus liable to be modified and enhanced compensation should be awarded.

4. However, I do not find any force in the contention raised by learned counsel for the appellants.

5. As per version of claimants, deceased was working as a Manager in Jai Krishan Stone crusher, Deodhar and getting Rs.15,000/- per month as salary. To prove this fact, claimants have examined PW3-Sanjeev Chaudhary, Proprietor of Jai Krishna Stone Crusher, who produced the summoned record and tendered the salary slip and Tribunal relied upon the same and held that he was getting salary of Rs.15,000/- per month. However, no evidence was led by the claimants to establish that deceased owned any agriculture land and was earning any amount by doing agriculture work and Tribunal thus rightly discarded the oral and self serving testimony of claimant-Ritu Devi, who appeared as PW1. As such, from the evidence led on file, Tribunal rightly assessed the income of the deceased to be Rs.15,000/- per month.

6. Deceased was 32 years of age as his date of birth was mentioned as



FAO-5606-2022 (O&M)

- 3-

14.12.1984 in the Aadhaar Card and considering his age to be 32 years, 40% future prospects have been added to his monthly income. Deceased has left behind two dependents and $1/3^{\text{rd}}$ of the income has been deducted towards personal expenses and after applying multiplier of 16 in view of law laid down in 2009(6) SCC 121 **Sarla Verma and others Vs. Delhi Transport Corporation and Another**, total loss of dependency has been assessed as Rs.26,88,000/-. Thereafter, a sum of Rs.70,000/- has been awarded under conventional heads to the wife of deceased in view of law laid down in 2017 (16) SCC 680 **National Insurance Co. Ltd Vs. Pranay Sethi and Other** and claimant No.2 who is the minor son of the deceased has also been awarded a sum of Rs.40,000/- towards filial consortium in view of law laid down in 2018 (4) R.C.R. (Civil) 333 **Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & Others** and (2021) 11 SCC 780 **United India Insurance Co. Ltd. Vs. Satinder Kaur**.

7. As such, the Tribunal has assessed the compensation in accordance with the settled law laid down by the Hon'ble Supreme Court in **Pranay Sethi's case (supra)**, **Sarla Verma's case (supra)**, **Nanu Ram's case (supra)** and **Satinder Kaur's case (supra)** and no ground to interference in the impugned Award is thus made out.

8. Dismissed.

9. Pending applications, if any, shall stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

13.05.2026
amandeep

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No