

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****230****FAO-4911-2015(O&M)****Date of decision: 09.03.2026****Smt. Suresh Devi & Others****...Appellant(s)****Vs.****Tarsem & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Sant Lal Barwala, Advocate
for the appellants.

Mr. Radhe Shyam Sharma, Advocate
for the respondent No.3.

*********NIDHI GUPTA, J.**

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.10,40,500/- awarded by the Motor Accident Claims Tribunal, Jind (hereinafter 'the learned Tribunal') vide Award dated 15.01.2015 passed in MACT Case No.73 dated 16.10.2013 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 4 claimants are the 48-year-old widow, 22-year-old daughter, 15-year-old son, and 13-year-old daughter of deceased Raghubir, who was 51 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 deceased Raghubir had died due to the injuries suffered by him in a motor vehicular accident that took place on 26.08.2013 due to the rash and negligent driving of Truck bearing registration No.PB-23-J-5720 (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 @ 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.78,000/- per annum i.e. Rs.6500/- per month. Learned counsel submits that the appellants had duly proved before the learned Tribunal that deceased was earning Rs.25,000/- per month. However, the said evidence has been ignored by the learned Tribunal. Moreover, the learned Tribunal has not given sufficient amounts under the conventional heads. Learned Tribunal has wrongly denied future prospects to the deceased. It is accordingly prayed that present appeal be allowed and the compensation be modified as above.

4. Per contra, Id. counsel for the respondent No.3 opposes submissions made on behalf of appellants and submits that the impugned Award suffers from no error; and present appeal deserves to be dismissed.



5. No other argument is made on behalf of the parties. 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 before the learned Tribunal that the deceased was a retired pensioner from the Army and was doing agricultural and dairy business; and was also working as a Guard at Uchana Petrol Pump and earning Rs.25,000/- per month. However, the appellants have failed to prove the said employment/income of the deceased. No doubt, the claimants had examined PW3 Sandeep, Manager, Uchana Petrol Pump who had stated that deceased had been working as Gunman at the Petrol Pump for a salary of Rs.6500/- per month as per the Salary Certificate (Ex.PW3/A). However, PW3 has admitted in his cross-examination that he had not brought any other record to substantiate the said employment or income of the deceased. Moreover, the claimant No.1 while appearing as PW1 has admitted that deceased had started working as Security Guard at the said Petrol Pump just 7-10 days prior to his death.

7. Further, the appellants had placed on record Jamabandi for the year 2009-10 as Ex.P9, from which it was evident that father of the deceased was one of the co-sharers in the land. Accordingly, taking into account all of the above-said factors as also the fact that the deceased being retired from the Army could be employed as Security Guard and in view of the fact that



deceased was holding Army licence (Ex.P6), learned Tribunal had taken income of the deceased as Rs.6500/- per month. I find no error in the same.

8. Further, age of the deceased was determined to be less than 50 years on the basis of his Matriculation Certificate wherein his date of birth is mentioned as 21.01.1964. Accordingly, the Tribunal had correctly applied multiplier of 13. As there were 4 claimants, Tribunal had made a deduction of 1/4th towards personal expenses. No doubt, the learned Tribunal has not awarded anything by way of future prospects; however, it is to be seen that under the conventional heads, the learned Tribunal has awarded exorbitant amount of Rs.1 lakh for loss of consortium to claimant No.1; and Rs.50,000/- each to the three children i.e. claimants No.2 to 4 towards loss of love and affection. Learned Tribunal has further awarded a sum of Rs.25,000/- towards funeral expenses and Rs.5000/- towards loss of estate; thereby granting total compensation of Rs.10,40,500/-.

9. From the above, it is clear that in the facts and circumstances of the case, 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 & 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 “General Manager, KSRTC Vs. Susamma Thomas & Others” 1994 Volume-II SCC 176, Hon’ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

10. A 3-Judge Bench judgment of the Hon’ble Supreme Court in the case of “*Reshma Kumari v. Madan Mohan (SC) 2013(5) Scale 160; Law Finder Doc ID # 421379*”; has held that: “Motor Vehicles Act, 1988, Section 168 - Section 168 provides that amount of compensation awarded by the Claims Tribunal which appears to it to be just - The expression, 'just' means that the amount so determined is fair, reasonable and equitable by accepted legal standards and not a forensic lottery - Obviously 'just compensation' does not mean 'perfect' or 'absolute' compensation - The just compensation principle requires examination of the particular situation obtaining uniquely in an individual case.”

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

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

09.03.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No