

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****122****Date of decision: 13.01.2026****FAO-1059-2017(O&M)****Govind Ram & Another****...Appellant(s)****Vs.****Jagdish Chander & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Sangeeta Yadav, Advocate
for the appellants.

*********NIDHI GUPTA, J.****CM-3527-CII-2017**

This is an application under Section 5 of Limitation Act for condonation of delay of 29 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of appellant No.1, the same is allowed subject to all just exceptions and delay of 29 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.10,08,000/- awarded by the Motor Accident Claims Tribunal, Narnaul (hereinafter 'the learned Tribunal') vide Award dated 11.08.2016 passed in MACT Petition No.97RT dated



20.09.2013 filed under Section 166 of the Motor Vehicles Act (hereinafter “the Act”). The 2 claimants are the parents of deceased Rajesh Kumar, who was 27 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 Rajesh Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 04.07.2013 due to the rash and negligent driving of Tractor bearing registration No.PB-32E-9730 (hereinafter referred to as “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 @ 9% per annum. Respondents No.1 to 3 were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that it was the clear pleaded case of the appellants before the Tribunal that the deceased was employed in Private Firm and earning Rs.18,000/- per month. It is submitted that in support, the appellants had duly examined PW6 Ram Bhagat Sharma, who was Director-cum-Proprietor of the said Firm, who had produced the Attendance Register and other record, from which it was proved that deceased was earning Rs.18,000/- per month. Yet the learned Tribunal has taken income



of the deceased on the lower side as only Rs.6,000/- per month as that of a labourer.

4. It is further submitted that very less amounts have been awarded under the conventional heads. It is also averred in Para 6 of the present Grounds of Appeal that the impugned order is based on conjectures and surmises and is liable to be set aside. It is accordingly prayed that the present appeal be allowed, and the impugned Award be modified.

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. It was the case of the appellants/claimants that deceased was employee of 'M/s Neeraj Marbles and Tiles, Siliguri, West Bengal'; and was earning Rs.18,000/- per month. In support, the appellants had examined PW6 Ram Bhagat Sharma, who was Director-cum-Proprietor of 'Siliguri Marble and Tiles' (and not 'M/s Neeraj Marbles and Tiles, Siliguri, West Bengal', where the deceased was employed). PW6 had produced Attendance Register and other record (Ex.PW6/A to Ex.PW6/F) to prove employment of the deceased. However, the said record had not inspired the confidence of the Tribunal as the record in respect of the earlier years regarding the employment of the deceased, was not produced by PW6. Even TDS deduction of the deceased was not proved on record. Even no leave and salary record of the employment of the deceased was



produced. Relevant observations of the learned Tribunal in this regard are in Para 30 of the impugned Award. The relevant extract of which is as follows:-

“30. So far as the income of deceased is concerned, in this regard, petitioner no.1 has pleaded in the petition and deposed that deceased was earning Rs.18,000/- per month as employee of M/s Neeraj Marbles and Tiles, Siliguri (W.B). PW6 Ram Bhagat Sharma, Director cum Proprietor Siliguri Marble & Tiles has produced the attendance register and other record Ex. PW6/A to Ex. PW6/F. However, the said record do not appeals this Court to take the monthly income of deceased as stated by PW6 because the record of earlier years of the firm has not been produced and proved in any manner nor the record of TDS deduction of the deceased has been proved on record. The witness also failed to produce the leave and salary record of the deceased...”

7. It is in this circumstance that the learned Tribunal had taken income of the deceased as that of a labourer as Rs.6,000/- per month. I find no error in the same.

8. Further, age of the deceased was determined to be 27 years 4 months and 22 days on the basis of his Matriculation Examination Certificate (Ex.P2), as per which date of birth of deceased was 12.02.1986. Yet the learned Tribunal has made an addition of 50% towards future prospects; whereas the same ought to have been @ 40%. Thus, appellants have already been granted compensation in excess of what is admissible to them as per law. Multiplier of 17 has been correctly applied



(Rs.54,000/- x 17 = Rs.9,18,000/-). As deceased was a bachelor at the time of accident, deduction of 50% towards personal expenses has also been correctly made.

9. It has also been contended on behalf of the appellants that sufficient amount has not been granted under the conventional heads. The said assertion is without merit as the Tribunal has awarded Rs.50,000/- towards loss of love and affection; and Rs.25,000/- towards loss of estate; and Rs.15,000/- towards funeral expenses; thereby granting total compensation of Rs.10,08,000/-.

10. From the above facts, it is clear that 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.

11. In view of the above noted factual and legal position, the present appeal accordingly stands **dismissed**.

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

13.01.2026

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No