

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****116****FAO-4933-2022(O&M)****Date of decision: 01.04.2026****Savita & Others****...Appellant(s)****Vs.****Kamal Kant & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Keshav Pratap Singh, Advocate
for the appellants.***********NIDHI GUPTA, J.**

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.25,65,880/- awarded by the Motor Accident Claims Tribunal, Kurukshetra (hereinafter 'the learned Tribunal') vide Award dated 24.08.2022 passed in MACP Case No.182 dated 20.06.2020 filed under Sections 166 and 140 of the Motor Vehicles Act (hereinafter "the Act"). The 4 claimants are the 42-year-old widow, 12-year-daughter, 10-year-old son and 70-year-old mother of deceased Jai Pal, who was 43 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 the deceased Jai Pal had died due to the injuries suffered by him in a motor vehicular accident that took place on 11.05.2020 at about



11 am due to the rash and negligent driving of motorcycle bearing registration No.HR-08AB-7311 (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 @ 7.5% per annum. Respondents were held jointly and severally liable for payment of 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.14,965/- per month. It is submitted that the appellants had duly proved on record that deceased was working as a Mason and was earning Rs.25,000/- per month. As such, income of the deceased has been assessed on the lower side. Further, future prospects ought to have been added @ 50%. Interest should be awarded @ 12% per annum. It is accordingly prayed that the present appeal be allowed and impugned Award be modified as above.

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. A perusal of record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that prior to the accident in question, the deceased was a Mason and earning Rs.25,000/- per month. However, no proof whatsoever has been adduced by the appellants to prove



their aforesaid assertion. No documentary proof of income in the form of Bank Account Statement of the deceased, etc. has been produced by the appellants. Accordingly, the learned Tribunal had taken income of the deceased as Rs.14,965/- per month on the basis of DC Rates. Income assessed on the basis of DC rates is already on the higher side as compared to that assessed on the basis of Minimum Wages Notification. It is my view that the learned Tribunal has correctly and justly assessed the said income.

6. Further, age of the deceased was determined to be 43 years on the basis of his Post-Mortem Report (Ex.P10). Learned Tribunal had accordingly correctly made addition of 25% towards future prospects; and correctly applied multiplier of 14. As there were 4 claimants, deduction of 1/4th was correctly made towards personal expenses. Under the conventional heads, the learned Tribunal has further awarded an amount of Rs.16,500/- towards loss of estate; Rs.16,500/- towards funeral expenses; Rs.44,000/- towards spousal consortium; Rs.44,000/- to each of the two minor children towards filial consortium; and Rs.44,000/- to mother of the deceased; thereby granting total compensation of Rs.25,65,872/-. Learned Tribunal awarded compensation in the following manner: -

Head	Amount
Monthly income	Rs.14,965/-
Addition of 25% towards future prospects	Rs.14,965/- + Rs.3741/- = Rs.18,706/-
Deduction of 1/4 th towards personal and living expenses	Rs.18,706/- - Rs.4676.5/- = Rs.14,029/-
Annual income	Rs.14,029/- x 12 = Rs.1,68,348/-



Multiplier of 14	Rs.1,68,348/- x 14 = Rs.23,56,872/-
Medical bills	Nil
Loss of estate	Rs.16,500/-
Loss of consortium	Rs.44,000/-
Funeral expenses	Rs.16,500/-
Loss of filial consortium to the children	Rs.88,000/-
Loss of filial consortium to the mother	Rs.44,000/-
Total	Rs.25,65,872/-

7. 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.



8. Learned counsel for the appellants is unable to dispute or controvert the aforesaid facts and findings.
9. In view of the above, present appeal stands **dismissed**.
10. Pending application(s) if any also stand(s) disposed of.

01.04.2026

Sunena

(Nidhi Gupta)**Judge**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No