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

FAO-3468-2017 (O&M)

SHILPA JAIN (SINCE DECEASED) THROUGH LRS. AND OTHERS
......Appellants

vs.

INDERJEET JAIN AND ORS
......Respondents

Reserved on:- 19.12.2025
Pronounced on:- 15.01.2026
Uploaded on: 16.01.2026

Whether only the operative part of the judgment is pronounced? *NO*
Whether full judgment is pronounced? *YES*

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. M.K. Mittal, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.2.

Ms. Farheen Bajwa, Advocate
for Mr. Harsh Aggarwal, Advocate
for respondent No.5

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<u>SUDEEPTI SHARMA J.</u>

1. The present appeal has been preferred against the award dated 22.12.2016 passed by the learned Motor Accident Claims Tribunal, Sirsa (for short, 'the Tribunal') in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, for enhancement of compensation granted to the claimants to the tune of Rs.64,87,743/- along with interest @ 9% per annum, on account of death of Aadish Jain in a Motor Vehicular Accident, occurred on 08.10.2014.

2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed narration of the facts of the case is not required to be reproduced here for the sake of brevity.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

3. Learned counsel for appellants contends that the compensation granted to the claimants is on the lower side and deserves to be enhanced.

4. Per contra, learned counsel for the respondents contends that learned Tribunal has assessed the compensation on the higher side and deserves to be reduced.

5. Learned counsel for respondent No.2-insurance company contends that the learned tribunal has erred in considering the income tax returns of 2014-2015 for the calculation of income of the deceased as the same was filed after the death of Aadish Jain, said ITR should not be considered and average should be taken of the previous ITRs.

6. He further contends that the learned Tribunal has erred in calculating the income of the deceased, as it has considered the gross income without deducting income tax, which contrary to the settled position of law laid down by the Hon'ble Supreme Court in a catena of judgments.

7. He further contends that the learned Tribunal has erred in adding 50% to the income of the deceased as future prospects instead of 40%.

8. He further contends that the learned Tribunal has erred in considering parents of the deceased as dependent upon him.

9. He further points out that the respondent No.2-Insurance Company has already filed a separate appeal, being FAO-3184-2017, titled as "Bajaj Allianze General Insurance Company Ltd. Vs. Shilpa Jain (since

deceased) through Lrs. and others", challenging the quantum of compensation awarded by learned Tribunal and seeks its reduction, therefore, he prays that present appeal be dismissed and amount of compensation be reduced as per latest law.

10. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

11. At the very outset, it is pertinent to note that **FAO-3184-2017, titled as "Bajaj Allianze General Insurance Company Ltd. Vs. Shilpa Jain (since deceased) through Lrs. and others"** filed by the respondent No.2-Insurance company has already been allowed by this Court vide order of even date detailing therein regarding every aspect of the arguments raised in the present appeal.

12. In view thereof, the adjudication of the present appeal no longer survives.

13. In view of the above, the present appeal is dismissed.

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

15.01.2026 **(SUDEEPTI SHARMA)**
Ayub **JUDGE**

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes