

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****225****Date of decision: 14.01.2026****FAO-4162-2017(O&M)****Nirmala Devi & Others****...Appellant(s)****Vs.****Manjeet Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr.Ashwani Bhardwaj, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.3.

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

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.17,45,000/- awarded by the Motor Accident Claims Tribunal, Hisar (hereinafter 'the learned Tribunal') vide Award dated 09.01.2017 passed in Petition No.39 dated 06.09.2013 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 6 claimants are the 45-year-old mother, 47-year-old father, 22-year-old sister, 18-year-old sister, 10-year-old brother and 10-year-old of deceased Pardeep, who was 20 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 Pardeep had died due to the injuries suffered by him in a motor vehicular accident that took place on 30.04.2013 due to the rash and negligent driving of Truck bearing registration No.HR-68-B-2565 (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 @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation amount.

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.10,000/- per month. Moreover, the Tribunal was in error in making a deduction of 50% towards personal expenses because there are six claimants who were dependent upon the income of the deceased. It is submitted that accordingly, deduction of 1/6th ought to have been made. It is further submitted that the learned Tribunal has not awarded anything by way of consortium. Interest is also on the lower side; and appropriate multiplier is not applied. It is accordingly prayed that the impugned Award be modified and claimants be awarded compensation to the tune of Rs.80 lakh.



4. Per contra, learned counsel for the respondent No.3 opposes the submissions advanced on behalf of the appellants and submit that the impugned Award suffers from no error; and present appeal 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 deceased was a skilled Typist and had applied for the post of Clerk-cum-JDEO and had passed the written examination and typing test and was earning Rs.30,000/- per month. It may be pointed out that in the Claim Petition it was the averred case of the appellants that deceased was earning Rs.15,000/- per month. However, appellants were unable to adduce any proof that the deceased was doing typing work or earning Rs.15,000/- per month. But the appellants had examined Virender Kumar, Clerk from GJU Hisar as PW2, who had proved that deceased had applied for the post of Clerk and had cleared the written, typing and computer tests but was not selected after the interview. The documents (Ex.P2 to Ex.P4) proved that deceased was a student of Final Year of Electrical Engineering and was having Diploma in Computer Software and Training. Accordingly, learned Tribunal had taken income of the deceased as Rs.10,000/- per month. I find no error in the same.



7. Age of the deceased was determined to be 20 years at the time of accident, on the basis of his Post-Mortem Report (Ex.P8) and School Certificate (Ex.P1). Accordingly, an addition of 40% was liable to be made towards future prospects. However, the learned Tribunal has erroneously made an addition of 50% towards future prospects. Multiplier of 18 has been correctly applied; thereby calculating compensation of Rs.90,000/- x 18 = Rs.16,20,000/-.

8. Under the conventional heads, learned Tribunal has awarded Rs.1,00,000/- towards loss of love and affection; Rs.25,000/- towards last rites; thereby granting total compensation of Rs.17,45,000/-.

9. 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."*

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.

14.01.2026

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No