

2026.PHHC.010743

**FAO-20-2018 (O&M)**

207 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-20-2018 (O&M)**Date of decision : 16.01.2026**

MANINDER KAUR AND ORS.

....Appellants

Versus

PARVEEN SHARMA AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Gourav, Advocate
for Mr. Rajbir Singh, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.2-Insurance Company.

PANKAJ JAIN, J. (ORAL)**CM-22-CII-2018 in FAO-20-2018**

This is an application filed under Section 5 of Limitation Act
seeking condonation of delay of 99 days in filing the instant appeal.

For the reasons recorded in the application, this Court is
satisfied that the applicants/appellants have made out a sufficient cause for
condonation of delay.

Consequently, the present application is allowed. The delay of
99 days in filing the instant appeal is hereby condoned.

FAO-20-2018 (O&M)

Claimants are in appeal seeking enhancement of compensation
awarded by MACT, Sangrur.

2026.PHHC.010743



FAO-20-2018 (O&M)

2. The claim petition filed under Section 166 of the Motor Vehicles Act, 1988 relates to death of Jagsir Singh in a motor-vehicular accident on 12.12.2015. As per the claimants, the family was under possession of 150 bighas of land out of which 50 bighas was in the name of deceased Jagsir Singh, yet the Tribunal has assessed his income as a farm labourer @ Rs.11,000/- per month.

3. Counsels are *ad idem* that Jamabandi for the year 2014-2015 *qua* land holding owned by family of deceased Jagsir Singh is on record as Ex.C3. As per the same, part of the land is in the name of deceased Jagsir Singh.

4. In view thereof, this Court finds that the Tribunal erred in assessing the income of deceased Jagsir Singh merely as a farm labourer. Accordingly, the income of the deceased Jagsir Singh is taken to be Rs.20,000/- per month. In view of ratio of law laid down by the Supreme Court in *National Insurance Company Limited vs. Pranay Sethi and others'*, (2017) 16 SCC 680, 40% future prospects need to be added. 1/4th deduction and multiplier of 17 has been rightly applied by the Tribunal. There are four claimants, each of them is also entitled for Rs.40,000/- on account of loss of consortium in view of ratio of law laid down in *Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram and others'* – Civil Appeal No.9581 of 2018, decided on 18.09.2018. For funeral expenses, the claimants are held entitled to Rs.15,000/- and Rs.15,000/- are awarded for loss of estate.

FAO-20-2018 (O&M)



- 5. With the aforesaid modification/substitution in the impugned award, the present appeal is disposed off.
- 6. Needless to say, the interest as well as apportionment amongst the claimants shall abide by the observations made by Tribunal in the Award.
- 7. Pending application, if any, shall also stands disposed off.

January 16, 2026
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(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No