

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

**CM-11854-CII-2018 in/and
FAO-3086-2018 (O&M)
Date of decision : 27.01.2026**

SULOCHANA DEVI AND ORS.

....Petitioners

Versus

THE ORIENTAL INSURANCE COMPANY LTD AND ORS

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Anuj Balian, Advocate for the appellants (through V.C.).

**Ms. Jyotsna Saini, Advocate for
Mr. Ashish Yadav, Advocate for respondent No.1.**

PANKAJ JAIN, J. (ORAL)

CM No.11855-CII of 2018

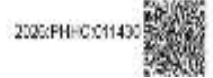
This is an application filed under Section 151 CPC seeking
condonation of delay of 42 days in re-filing the instant appeal.

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
42 days in re-filing the instant appeal is hereby condoned.

CM No.11854-CII of 2018

This is an application filed under Section 5 of Limitation Act
seeking condonation of delay of 155 days in filing the instant appeal.



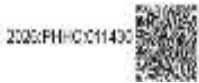
For the reasons recorded in the application, this Court is satisfied that the applicants/appellants have made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. The delay of 155 days in filing the instant appeal is hereby condoned.

FAO-3086-2018 (O&M)

Claimants are in appeal seeking enhancement of compensation awarded by MACT, Panchkula vide award dated 7th of February, 2017 on the petition filed under Section 166 of the Motor Vehicles Act, 1988 whereby they have been awarded compensation of Rs.11,33,000/- along with interest @ 7.5% per annum from the date of filing of the claim petition till the actual realization, on account of death of their son Sunil Kumar in a motor-vehicular accident dated 31.03.2016.

2. Counsel for the appellants seeks enhancement of compensation claiming that the Tribunal erred in taking the income of the deceased as Rs.8,000/- relying upon minimum wages ignoring the salary certificates produced on record as Exhibit P-6 to P-8 for the months of January, February and March, 2016 which were proved by examining Labour Contractor Mahesh Kumar, who appeared as PW3. He submits that in view of the fact that the salary certificates stand proved on record, the salary of the deceased should have been taken to be Rs.8,400/- in terms thereof. He further submits that the Tribunal erred in applying multiplier relying upon the age of the claimants ignoring the age of the deceased. Deceased was 24



years of age at the time of death and thus Tribunal ought to have applied multiplier of 18 instead of that of 14.

3. I have heard counsel for the parties and have gone through records of the case.

4. Keeping in view ratio of law laid down by Supreme Court in the case of ‘**Rasmita Sahu and others vs. The Divisional Manager & Another**’, **Civil Appeal SLP No.5252/2023** *decided on* 20.05.2025, this Court finds that once the claimants have proved salary certificates of deceased by examining the Labour Contractor, Tribunal ought not have ignored the same. Accordingly, the award is modified to the extent that the income of the deceased is taken to be Rs.8,400/- instead of Rs.8,000/-.

5. Keeping in view the ratio of law laid down by Supreme Court in the case of ‘**National Insurance Company Limited vs. Pranay Sethi and others**’, **2017 (16) SCC 680**, multiplier also needs to be modified to 18 from 14.

6. With the aforesaid modification in the impugned award, the appeal is disposed off.

January 27, 2026
Dpr

(Pankaj Jain)
Judge

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