IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-4468-2018(O&M)
Date of decision: 21.01.2026

Aalim & Another
...Appellant(s)

Vs.

Priyash Maroo & Others
...Respondent(s)

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CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Munfaid Khan, Advocate
for the appellants.

Mr. Aseem Aggarwal, Advocate
for respondent No.3.

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NIDHI GUPTA, J.

CM-15174-CII-2018

This is an application under Section 5 of Limitation Act for condonation of delay of 295 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of the appellant No.1, the same is allowed subject to all just exceptions and delay of 295 days in filing present appeal is condoned.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.3,25,000/- awarded by the Motor Accident Claims Tribunal, Nuh (hereinafter 'the learned Tribunal') vide

Award dated 14.03.2017 passed in MACT Petition No.1459 dated 25.04.2016 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The two claimants are the parents of deceased Samir, who was 5 years old at the time of accident.

2. Brief facts of the case are that the ld. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Samir had died due to the injuries suffered by him in a motor vehicular accident that took place on 28.02.2016 due to the rash and negligent driving of vehicle bearing registration No.MP-44-BC-1304 (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 amount.

3. Learned counsel for the appellants submits that the claimants have lost their minor child. Learned Tribunal has failed to appreciate this fact and has not correctly calculated compensation as required as per law. No notional income or multiplier was applied by the learned Tribunal. Nothing has been awarded by way of loss of estate. Learned Tribunal has failed to consider the mental state of the parents of the claimants/parents of the deceased. No future prospects have been added. Interest should

have been @ 12% per annum. It is accordingly prayed that the present appeal be allowed in the above terms.

4. Per contra, learned counsel for the Insurance Company opposes the submissions advanced on behalf of the appellants and submits that the impugned Award suffers from no error; and the present appeal deserves to 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 some merit in the submissions advanced on behalf of the appellants.

6. It was the pleaded case of the appellants that deceased was 5 years old at the time of accident. Thus, keeping in view, the fact that deceased was only five years old at the time of accident, the Learned Tribunal, had correctly assessed notional income of the deceased as Rs.30,000/-p.a. which is as per Schedule II of the Act. Learned Tribunal had further awarded lumpsum amounts under other heads. No doubt, in cases of the present nature where regular parameters for calculating/computing compensation are not available, lump sum amount is awarded due to the loss suffered by the claimants. However, multiplier of 15 was also liable to be applied. And Claimants were also entitled to compensation under the conventional heads.

7. Accordingly, compensation payable to the claimants is re-assessed in the following manner: -

Head	Awarded by learned Tribunal	Re-assessed compensation
Notional income	Nil	Rs.30,000/- per annum
Multiplier	Nil	Rs.30,000/- x 15 = Rs.4,50,000/-
Lumpsum award	Rs.2,00,000/-	Nil
Loss of love and affection	Rs.1,00,000/-	
Transportation	Rs.25,000/-	
Loss of estate		Rs.15,000/-
Funeral expenses		Rs.15,000/-
Loss of consortium		Rs.40,000/- x 2 = Rs.80,000/-
Interest	7.5% per annum	7.5% per annum
Total	**Rs.3,25,000/-**	**Rs.5,60,000/-**

8. Needless to say, the appellant shall not be entitled to interest for the period of 295 days delay in filing the present appeal.

9. Reliance may be placed upon latest judgment of the Hon'ble Supreme Court in **Hasina Yasmin v. National Insurance Co. Ltd., (SC) ; law Finder Doc ID # 2826989;** wherein while referring the matter to Larger Bench, it has been directed that only a sum of Rs.40,000/- is to be awarded as consortium and Rs.15,000/- each towards funeral expenses and loss of estate - without 10% increase.

10. Present appeal accordingly, stands **partly allowed** in above terms.

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

21.01.2026 **(Nidhi Gupta)**
Sunena **Judge**

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