



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-6018-2018 (O&M)

Date of decision: 05.03.2026

Sangeeta

...Appellant(s)

Vs.

Mthalai Muthu and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Mansi Majoka, Advocate and
Mr. Bhisham Kumar Majora, Advocate
for the appellant.

Mr. D.K.Prajapati, Advocate for
respondent No.04.

NIDHI GUPTA, J.CM-21269-CII-2018

Prayer in this application filed under Section 5 of the Limitation
Act is for condonation of delay of 127 days in filing the appeal.

2. The only reason cited by learned counsel for the
applicant/appellant in the abovesaid application for condonation of 127
days delay in filing the appeal is as under:-

*"2. That the appellant could not able to contact with the
counsel in time due to his illness and accordingly alongwith
requisite document contact with a counsel for filing the appeal,
thereafter the instant appeal has been prepared and filed and
in doing so inadvertently the period of limitation has been
exceed."*



3. The said reason is vague and does not constitute sufficient cause to condone extraordinary delay of 127 days in filing the present appeal.

4. As such, no ground is made out for condoning inordinate delay of 127 days. Present application accordingly stands **dismissed**.

FAO-6018-2018 (O&M)

By way of the present appeal, the appellant is seeking enhancement of compensation of Rs.12,43,800/- awarded by the Id. Motor Accident Claims Tribunal, Panipat (hereinafter “the learned Tribunal”) vide Award dated 31.08.2017 passed in MACT Case No. 61 dated 11.03.2015 filed under Section 166 of the Motor Vehicles Act, (hereinafter “the Act”). The said Claim Petition had been filed by 45-year-old father; 41-year-old mother; and 15-year-old sister of the deceased Parveen, who was 21 years old at time of accident. Present appellant who is the widow of the deceased, was perma respondent No.5 in the said Claim Petition. Vide the impugned Award of the total compensation amount of Rs.12,43,800/-, Rs.5 lacs has been awarded to claimant No.2-mother of the deceased; and Rs.7,43,800/- has been awarded to the present appellant. Claimants no.1, 3, and 4 are the perma respondents No. 5, 6 and 7 herein.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Parveen had died due to the injuries suffered by him in a motor vehicular accident that took place on 05.03.2014 due to the rash and negligent



driving of a Trola bearing registration No. TN-52D-2368 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.3; and insured by respondent No.4. The Tribunal awarded above said compensation along with interest @ 7.5% per annum. Respondents No. 1, 3 and 4 were held liable to pay the compensation jointly and severally.

3. Learned counsel for the appellant seeks enhancement by submitting that learned Tribunal has awarded less amount under the conventional heads *in-as-much* only an amount of Rs.25,000/- towards funeral expenses; Rs.10,000/- towards loss of estate; and Rs.10,000/- towards loss of consortium; whereas the claimants are entitled to 48,400/- each as loss of consortium to claimant No.2-mother and the appellant; and Rs.18,150/- towards loss of estate and Rs.18,150/- towards funeral expenses. It is submitted that interest awarded is also on the lower side.

4. It is accordingly prayed that present Appeal be allowed; and the compensation be enhanced in the above manner.

5. Notice of motion.

6. Mr. D.K.Prajapati, Advocate accepts notice on behalf of respondent No.4-Insurance Company and submits that mediation was going on between the appellant and respondent No.4-Insurance Company in which Insurance Company has assigned the case to him.

7. Learned counsel for respondent No.4 opposes submissions made on behalf of the appellant and submits that learned Tribunal has



awarded compensation in excess of what is entitled to the appellant. Learned Tribunal had made addition of 50% future prospects; whereas as per law, addition of only 40% could have been made. Even if the consortium is awarded to the appellant and claimant No.2/mother; and addition of 40% is made, still the compensation shall be less than what is already awarded by learned Tribunal. Hence, the present appeal deserves to be dismissed.

8. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the case file in great detail. I find merit in the submissions advanced on behalf of the Insurance Company.

9. Perusal of the record of the case shows that the pleaded case of the Claimants before the learned Tribunal was that prior to the accident, deceased was working as a Generator Mechanic and was earning Rs.12,000/- per month. However, the claimants had miserably failed to prove their said contention by way of any documentary evidence. Accordingly, learned learned Tribunal had taken income of the deceased as Rs.5,550/- per month on the basis of relevant Minimum Wage Notification issued by State of Haryana in the year 2014. I find no error in the same.

10. Further, age of the deceased was determined to be 21 years at the time of accident on the basis of his Post-Mortem Report Ex.P5. Accordingly, as per law, an addition of 40% was to be made towards future prospects; whereas learned Tribunal has made addition of 50% towards future prospects. However, learned Tribunal has correctly applied



multiplier of 18. Further, Tribunal has correctly made deduction of 1/3rd towards personal expenses keeping in view the fact that the appellant and the mother of the deceased were taken to be dependent upon the deceased.

11. Under the conventional heads, learned Tribunal has awarded an amount of Rs.25,000/- towards funeral expenses, Rs.10,000/- towards loss of consortium; Rs.10,000/- towards loss of estate. As the accident in the present case is prior to the year 2017, hence in terms of judgment passed by Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi, (SC)(Constitution Bench) : Law Finder Doc Id # 918174**, a sum of Rs.40,000/- is to be paid by way of consortium to the appellant and to the mother of the deceased; and Rs.15,000/- towards loss of estate; and Rs.15,000/- towards funeral expenses. Hence, the contentions of learned counsel for the appellant to the effect that consortium of Rs.48,400/- each to mother/claimant No.2 and appellant; Rs.18,150/- towards loss of estate; and Rs.18,150/- towards funeral expenses is rejected.

12. Further, as stated by learned counsel for respondent No.4 that if 40% addition is made towards future prospects and an amount of Rs.15,000/- each is added towards funeral expenses and loss of estate and Rs.40,000/- each is awarded to claimant-mother and appellant/widow, even then total compensation would come to Rs.12,28,880/-, which is less than the amount of Rs.12,43,800/- awarded by learned Tribunal.

Accordingly, the comparison of calculation is shown as under: -



Sr. No.	Details	Before the Tribunal	Calculation By respondent No.4-Insurance Co.
1.	Income	Rs.5,550/-per month	Rs.5,550/- per month
2.	Future prospects	@ 50% addition i.e. Rs.8,325/- per month (Rs.5,550+2,775)	@ 40% addition i.e. Rs.7770/- (Rs.5,550+Rs.2,220)
3.	1/3rd deduction	Rs.5,550/- (Rs.8,325-Rs.2,775) i.e. Rs.66,600/- per annum (Rs.5,550 x 12)	Rs.5,180/- (Rs.7,770-Rs.2,590) i.e. Rs.93,240 per annum (Rs.7,770 x 12)
4.	Multiplier of 18	Rs.11,98,800/- (Rs.66,600 X 18)	Rs.16,78,320/- (Rs.93,240 X 18)
5.	Loss of consortium	Rs.10,000/- to widow	Rs. 80,000/- i.e. Rs.40,000/- each to claimant No.2/mother and appellant/widow
6.	Funeral expenses	Rs.25,000/-	Rs.15,000/-
7.	Loss of estate	Rs.10,000/-	Rs.15,000/-
9.	Total	Rs.12,43,800/-	Rs.12,28,880/-

13. From the above facts, it is clear that more than just and fair compensation has been awarded to the appellant. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellant. 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 Vs. Jasbir Kaur” Law Finder Doc ID # 64043** and **“Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty and another” (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.

14. The Apex Court in the case of **Reshma Kumari v. Madan Mohan (SC) 2013(5) Scale 160; Law Finder Doc ID # 421379** has further gone on to hold 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.”*

15. Keeping in view the entirety of the above noted facts, the present Appeal is hereby **dismissed** on merits, as well as on grounds of delay.

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

05.03.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

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