

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****119****FAO-142-2022(O&M)****Date of decision: 19.01.2026****Sarabjeet Singh****...Appellant(s)****Vs.****Rajesh Bhatia & Another****...Respondent(s)****\*\*\*****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Inderjeet Sihag, Advocate  
for the appellant.

Mr. Vinod Gupta, Advocate  
for respondent No.3.

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

Present appeal has been filed by sole claimant seeking enhancement of compensation of Rs.4,35,670/- awarded by the Motor Accident Claims Tribunal, Panipat (hereinafter 'the learned Tribunal') vide Award dated 09.09.2021 passed in MACP Case No.118 dated 12.03.2019 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The sole claimant is the 47-year-old son of deceased Jasbir Singh, who was 67 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 Jasbir Singh had died due to the injuries suffered



by him in a motor vehicular accident that took place on 08.01.2019 due to the rash and negligent driving of Maruti Car S-Cross bearing registration No.HR-05-AW-0205 (hereinafter “the offending vehicle”) being owned and driven by respondent No.1 and insured by respondent No.2. The said compensation has been awarded along with interest @ 7% per annum. Respondents were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.8,500/- per month as casual labourer. It is submitted that the learned Tribunal has ignored that the appellant has specifically averred in the Claim Petition as well as in his statement that deceased was working as a Motor Mechanic and was running a shop in the name and style of M/s Jasbir Auto and was earning Rs.20,000/- to Rs.25,000/- per month. It is submitted that the appellant had also examined CW2 Vinod Kumar, who has successfully proved the case of the appellant. Yet the learned Tribunal has taken income of the deceased as only Rs.8,500/- per month. It is submitted that the same is on the lower side and deserves to be enhanced.

4. It is further submitted that the appellant had duly proved on record that after the accident in question on 08.01.2019, the appellant had been moved in critical condition to various hospitals for a period of almost three weeks. Yet the learned Tribunal has awarded nothing by way of



transportation. It is accordingly prayed that the impugned Award be modified and compensation be awarded to the appellant.

5. Per contra, learned counsel for the respondent No.3 opposes the submissions advanced on behalf of the appellant and submit that the impugned Award suffers from no error; and the present appeal deserves to be dismissed.

6. 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 appellant.

7. As noted above, although it is pleaded case of the appellant that the deceased was a Motor Mechanic, however, no evidence whatsoever was led by the appellant to prove the said contention. No doubt, the appellant had examined CW2 Vinod Kumar and had produced receipts of payment of rent (Ex.C6 to Ex.C9); however, the appellant had produced no proof whatsoever of the alleged income of the deceased. In these circumstances, learned Tribunal had correctly assessed income of the deceased as that of a casual labourer as Rs.8,500/- per month.

8. Further, although it was pleaded by the appellant in the Claim Petition that deceased was 63 years old; and in the Post-Mortem Report (Ex.C4) age of deceased was mentioned as 62 years; however, in the Aadhaar Card (Ex.R1), date of birth of the deceased was recorded as



01.01.1952. As such, on the date of accident i.e. 08.01.2019, deceased was 67 years old of age. Accordingly, no addition was liable to be made towards future prospects. Keeping in view the age of the deceased, learned Tribunal had correctly applied multiplier of 5. As the appellant was the only LR of the deceased, learned Tribunal had made a deduction of 50% towards personal expenses. I find no error in the same.

9.            Under the conventional heads, Tribunal had awarded Rs.15,000/- for love and affection; Rs.15,000/- for transportation and funeral expenses; thereby granting compensation in the following manner:-

| Head                                    | Amount                               |
|-----------------------------------------|--------------------------------------|
| Income                                  | Rs.8,500/- per month                 |
| 50% deduction towards personal expenses | Rs.8,500/- - Rs.4,250/- = Rs.4,250/- |
| Multiplier of 5                         | Rs.4,250/- x 12 x 5 = Rs.2,55,000/-  |
| Loss of consortium                      | Nil                                  |
| Loss of love and affection              | Rs.15,000/-                          |
| Transportation and funeral expenses     | Rs.15,000/-                          |
| Medical treatment                       | Rs.1,47,030/-                        |
| Rent receipts                           | Rs.3,640/-                           |
| Total                                   | Rs.4,35,670/-                        |

10.            In actual fact, the appellant being major son of the deceased is not entitled to compensation; and would only be entitled to consortium. However, no such prayer has been made by the appellant.

11.            From the above facts, it is clear that 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 & 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.

12. In view of the above noted factual and legal position, the present appeal accordingly stands **dismissed**.

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

**19.01.2026**

Sunena

**(Nidhi Gupta)**

**Judge**

**Whether speaking/reasoned:** Yes/No

**Whether reportable:** Yes/No