IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

127

FAO-4512-2024(O&M)
Date of decision: 05.05.2026

Tarak Vadhera & Another

...Appellant(s)

Vs.

Prem Kumar & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Siddharth Gulati, Advocate
for the appellants.

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NIDHI GUPTA, J.

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.12,62,100/- awarded by the Motor Accident Claims Tribunal, Kaithal (hereinafter 'the learned Tribunal') vide Award dated 31.07.2024 passed in MACT Case No.93 dated 15.11.2018 filed under Section 166 of Motor Vehicles Act (hereinafter "the Act"). The 2 claimants are the 22-year-old son and 21-year-old son of deceased Kavita Vadhera, who was 44 years old at 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 the deceased Kavita Vadhera had died due to the injuries suffered by her in a motor vehicular accident that took place on 03.01.2016

due to the rash and negligent driving of Xylo Car bearing registration No.DL-4-CNB-4198 (hereinafter "the offending vehicle") being driven by respondent No.1, owned by respondent No.2, and insured by respondent No.3. The compensation has been awarded along with interest @ 6% per annum. Respondent No.3 was held liable to pay the compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.3000/- per month. It is submitted that the deceased was a housewife and therefore, her income ought to have been properly assessed. It is submitted that in this regard, the learned Tribunal has totally ignored the evidence and facts on record especially the evidence of PW4 son of deceased, who has deposed that deceased was a homemaker and was looking after her husband and two sons and by doing so, she was contributing not less than Rs.50,000/-. Thus, income of the deceased has been assessed on the much lower side as only Rs.3000/- per month. Ld. Tribunal failed to appreciate that the deceased being a housewife was doing cooking, washing, ironing clothes and stitching clothes for the husband and children, teaching and guiding children, working as a nurse when the children are sick, etc. Therefore, income of the deceased ought to have been taken on the higher side. It is further submitted that interest has also been granted on the lower side as only 6% per annum and the same should be 9%. It is prayed that the present appeal be allowed; and the impugned Award be modified/enhanced.

4. No other argument is made on behalf of the appellants. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellants.

5. Perusal of record of the case shows that in the accident dated 03.01.2016, the deceased had suffered head injury due to which she remained in Coma for two years and had expired on 13.01.2018. Consequentially, the present Claim Petition came to be filed on 15.11.2018 i.e. almost three years after date of accident dated 3.1.2016. Nothing has been brought to the notice of this Court that any Claim Petition had been filed by the now deceased mother of the claimants as an injured claimant. On a Court query, learned counsel for the appellants is unable to inform whether the deceased had filed any Claim Petition on account of injuries suffered by her in the accident dated 03.01.2016.

6. Be that as it may, the two appellants before this Court are the 28-year-old son and 27-year-old son of the deceased. Admittedly, their father is still alive. If at all claimants are not financially independent, they would first be dependent upon their father and not upon their deceased mother. Thus, keeping in view the aforesaid facts, it is my view that income of the deceased has been correctly assessed by the learned Tribunal as Rs.3000/- per month. Although claimant No.2 has appeared before the learned Tribunal as PW4 and has stated that his deceased mother was earning Rs.50,000/- per month, however, in his cross-examination he admitted that his mother is a housewife.

No proof of any alleged income or business run by the deceased was produced by the claimants. No doubt, services rendered by a housewife cannot be quantified in terms of money, however, keeping in view the entirety of the above-said facts, it is my view that the learned Tribunal has correctly assessed contribution of the deceased towards family as Rs.3000/- per month. This is especially so keeping in view the fact that for the last two years of her life, the deceased had been in Coma.

7. Further, age of the deceased was determined to be 44 years on the basis of her Aadhaar Card, wherein her date of birth is mentioned as 10.06.1972. Accordingly, the learned Tribunal has correctly applied multiplier of 14. The appellants had further presented medical bills (Ex.P3 to Ex.P63) for a total amount of Rs.5,24,626/-. It is not clear from the record whether the said bills were proved in accordance with law. Nonetheless, the Tribunal had awarded an amount of Rs.5,25,000/- on account of medical bills. The learned Tribunal had further awarded an amount of Rs.1,00,000/- towards special diet, transportation and attendant charges; Rs.18,150/- towards funeral expenses; Rs.18,150/- towards loss of estate; and Rs.48,400/- to each of the claimants towards loss of consortium; thereby granting total compensation of Rs.12,62,100/-; in the following manner:-

Head	**Amount**
Income	Rs.3000/- per month
Medical expenses	Rs.5,25,000/-
Special diet + transportation + attendant charges	Rs.25,000/- + Rs.25,000/- + Rs.50,000/- = Rs.1,00,000/-

Loss of income	Rs.3000/- x 12 x 14 = Rs.5,04,000/-
Funeral expenses	Rs.18,150/-
Loss of estate	Rs.18,150/-
Loss of consortium to claimants	Rs.48,400/- x 2 = Rs.96,800/-
Total	**Rs.12,62,100/-**
Interest	6% p.a.

8. Ld. Tribunal has also made no deduction towards personal expenses. Thus, from the above, it is clear that in the facts and circumstances of the case, a very just and fair compensation has been awarded to the appellants. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellants. 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.

9. In view of the above, present appeal stands **dismissed.**

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

05.05.2026 **(Nidhi Gupta)**
Sunena **Judge**

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