



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-1104-2022 (O&M)

Date of decision: 14.01.2026

Santro @ Santra Devi and another

...Appellant(s)

Vs.

IFFCO Tokio General Insurance Co. Ltd. and others

...Respondent(s)

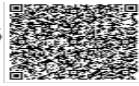
CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Surinder Gaur, Advocate for the appellants.

NIDHI GUPTA, J.

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.7,86,000/- awarded by Motor Accident Claims Tribunal, Rohtak (hereinafter "the learned Tribunal") vide Award dated 15.09.2021 passed in MACP Case No. 1400147 dated 03.08.2011 filed under Section 166 of Motor Vehicles Act, (hereinafter "the Act"). The 2 claimants are the parents of the deceased, who was 21 years old at time of accident.

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- Ashok Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 30.05.2011 due to the rash and negligent driving of a Truck bearing registration No. HR-04N/1123 (hereinafter "the offending vehicle") being driven by respondent No.2; owned by respondent No.3; and insured by respondent No.1. The Tribunal



awarded above said compensation along with interest @ 7.5% per annum.

Respondent No.1-Insurance Company was directed to pay awarded amount to claimant No.2; and recover the same from respondents No.2 and 3.

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.5,000/-p.m. It is submitted that it is proven on record that the deceased was studying in B.A. final year. Besides that, deceased was also doing agricultural work; and was also doing private job. It is accordingly submitted that income of the deceased deserves to be enhanced. It is further contended that nothing has been awarded by the learned Tribunal towards love and affection. He accordingly prays that the present Appeal be allowed; and the impugned Award be modified/enhanced as above.

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

5. It was the pleaded case of the appellants that deceased was studying in B.A. final year and was also doing agricultural work and was also doing private job and was earning Rs.8,000 - Rs.9,000/- p.m. However, the appellants had failed to adduce any evidence whatsoever to prove the said assertions. Learned Tribunal has categorically noted that *"But no document regarding the income and profession of the deceased at the time of accident in question has been placed on the file by the*



claimants.” Accordingly, learned Tribunal had assessed notional income of the deceased as Rs.5,000/- p.m. on the basis of minimum wages fixed by State of Haryana for unskilled worker. On a Court query, learned counsel for the appellants has admitted that he has no Minimum Wage Notification to show that the said income has been assessed on the lower side. As such, I find no error in the income as assessed by the learned Tribunal.

6. Admittedly, deceased was 21 years at the time of accident. Accordingly, learned Tribunal had made addition of 40% towards future prospects; thereby calculating monthly income of the deceased as Rs.7,000/- p.m. (Rs.5,000 + Rs.2,000). As deceased was a bachelor at the time of accident, learned Tribunal had correctly made deduction of 50% towards personal expenses; thereby calculating annual dependency to be Rs.42,000/- (Rs.7,000-Rs.3,500 = Rs.3,500 x 12). Learned Tribunal had correctly applied multiplier of 18; thereby calculating compensation as Rs.7,56,000/- (Rs.42,000 x 18). Under the conventional heads, the Tribunal has awarded Rs.15,000/- towards funeral expenses; and Rs.15,000/- towards loss of estate; thereby granting total compensation of Rs.7,86,000/- (Rs.7,56,000 + Rs.15,000 + Rs.15,000) to claimant No.2.

7. It has been argued on behalf of the appellants that nothing has been awarded by way of consortium. In this regard, it is to be pointed out that the learned Tribunal had held that the claimant no.1 being the 53-year-old father of the deceased, and Class II heir, was not entitled to compensation. As such, at best, only the appellant no.1/mother of the



deceased would be entitled to consortium. Moreover, the Hon'ble Supreme Court in **(SC) SLP No.13931 of 2017** titled as **"New India Assurance Co. Ltd. Vs. Vinish Jain & Others"** Law Finder Doc ID # **977386**, has held that where difference in compensation is about 4 to 5 per cent only, it does not warrant interference by this Court as, such variation in compensation is within permissible limits.

8. This above-said judgment of the Hon'ble Supreme Court has been followed by the Kerala High Court in **"The Managing Director, Divisional Controller Versus Alikutty and Others"** Law Finder Doc Id # **1885188**. Relevant para 18 of the said judgment is reproduced below:

*"18. It is to be borne in mind, the accident occurred on 23,2,2019. It is more than 2 ½ years since the respondents 1 to 4 have been knocking at the doors of the Courts seeking compensation on account of the death of the bread-winner. It is trite law that the Tribunal is permitted to do some guess work and also exercise its discretion to fix the reasonable and just compensation, for which there cannot be any strait-jacket formula based on mathematical precision. In **New India Assurance Company Vs. Vinish Jain and Others [(2018) 3 SCC 619]**, the Hon'ble Supreme Court has held that if the fixation of compensation is within permissible limits, the courts should normally not interfere with such awards".*

9. Above said view has been reiterated by the Kerala High Court in **"Reliance General Insurance Company Limited Vs. Adila and Others"**, Law Finder Doc ID # **1921609**, paras 16 and 17 of which read as under:-

"16. The other area of dispute is that the Tribunal after awarding compensation under the conventional heads has awarded Rs.75,000/- towards loss of love and affection and Rs.10,000/- awarded towards pain and sufferings.

17. In *New India Assurance Co., Ltd v. Vineesh.J*[2018 (3) SCC 619], the Hon'ble Supreme Court has held that the Appellate Court can permit variation of plus or minus 4 to 5 percent.”

10. Learned counsel for the appellants is unable to controvert or dispute the above said facts and findings, and legal position.

11. Keeping in view the above factual and legal position, no ground is made out to interfere in the impugned Award. The present appeal is accordingly **dismissed**.

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

14.01.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

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