IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

233 **IOIN-1-FAO-1870-2016 IN FAO-1870-2016(O&M)**

Date of decision: 11.03.2026

Usha Rani & Others

...Appellant(s)

Vs.

Sajid & Another

...Respondent(s)

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CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ankit Saini, Advocate for
Mr. Ram Kumar Saini, Advocate
for the appellants.

Mr. PHS Pannu, Advocate
for the respondent No.2.

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NIDHI GUPTA, J.

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.16,65,000/- awarded by the Additional District Judge, Kurukshetra (hereinafter 'the learned Tribunal') vide Award dated 11.09.2015 passed in MACP Case No.486 dated 06.12.2014 filed under Sections 166 and 140 of the Motor Vehicles Act (hereinafter "the Act"). The 5 claimants are the 32-year-old widow, 13-year-old son, 12-year-old daughter, and parents of deceased Anil Kumar, who was 35 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 Anil Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 04.11.2014 due to the rash and negligent driving of tractor trolley bearing registration No.HR-12R-5204 (hereinafter "the offending vehicle") being driven and owned by respondent No.1 and insured by respondent No.2. The said compensation has been awarded along with interest @ 9% per annum. Respondents were held jointly and severally liable to pay the compensation.

3. Ld. 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.6600/- per month; whereas in actual fact, the deceased was earning Rs.25,000/- per month. It is further submitted that the learned Tribunal has wrongly held that claimant No.5/father of the deceased was not dependent upon the deceased. Learned Tribunal has also failed to grant any amount towards love and affection to the widow and mother i.e. claimants No.1 and 4. Even rate of interest is on the lower side. It is accordingly prayed that the impugned Award be modified and compensation be enhanced as above.

4. Mr. PHS Pannu, Advocate appears on behalf of respondent No.2 and files Memorandum of Appearance, which is taken on record. Ld. counsel for respondent No.2 opposes submissions made on behalf of the appellants and submits that the impugned Award suffers from no error; and present appeal 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 no merit in the submissions advanced on behalf of the appellants.

6. Perusal of record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that deceased was working as a Shopkeeper and earning Rs.25,000/- per month. In support, the appellants had brought on record a Photograph (Mark A) to show that deceased was running a bakery. However, no documentary evidence of any kind was produced by the appellants to show as to whether the said shop was owned or taken on rent by the deceased; or to prove the income of the deceased to show that deceased was in actual fact earning Rs.25,000/- per month from the said shop. Even no bill of sale or purchaser of bakery item was proved. Even no alleged customers of bakery items were examined by the appellants to prove their case. In this situation, in view of lack of evidence, the learned Tribunal has correctly assessed income of the deceased as Rs.6600/- per month as Minimum Wages payable to an unskilled labourer on the basis of DC Rates in March 2014. I find no error in the same.

7. Further, age of the deceased was determined to be 35 years at the time of accident, on the basis of his Post-Mortem Report (Ex.P5). Accordingly, future prospects were to be added @ 40%. However, learned Tribunal has made an addition of 50% towards future prospects, which is in excess of what is permissible as per law laid down by the Hon'ble Supreme

Court in "**Sarla Verma Vs. Delhi Transport Corporation" (2009) AIR (SC) 3104 Law Finder Doc ID # 188882.** However, keeping in view the age of the deceased, the Learned Tribunal has correctly applied multiplier of 16. Although there were five claimants, learned Tribunal has made a deduction of 1/4th towards personal expenses as father of the deceased/claimant No.4 was not taken to be dependent upon the deceased. In holding as above, learned counsel for the appellants has relied upon judgment of this Court in **"Reliance General Insurance Company Limited Vs. Kishore Kumar & Others" 2013 (4) Punjab Law Reporter 223,** wherein it is held that unless proved otherwise, father is not to be held to be dependent on the deceased. The above-said judgment has not been distinguished by the appellants to show or to prove that the father of the deceased was incapacitated in any manner and was dependent upon the deceased.

8. Under the conventional heads, learned Tribunal has awarded an exorbitant amount of Rs.1 lakh to claimant No.1/widow of the deceased by way of consortium; Rs.1 lakh to the claimants No.2 and 3 i.e. minor children of the deceased towards loss of love and affection; and Rs.25,000/- for funeral expenses; thereby granting total compensation of Rs.16,65,000/-.

9. From the above, it is clear that a more than 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. 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. 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.

10. In view of the above, no ground whatsoever is made out for enhancement of the compensation awarded to the appellants. Resultantly, present appeal stands **dismissed.**

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

11.03.2026 **(Nidhi Gupta)**
Sunena **Judge**

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