

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****162****FAO-5401-2022(O&M)****Date of decision: 16.04.2026****Reeta Yadav & Another****...Appellant(s)****Vs.****Mohit Choudhary & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Shashi Kumar Yadav, Advocate
for the appellants.Mr. P.H.S. Pannu, Advocate
for respondent No.3/Insurance Company.*********NIDHI GUPTA, J.**

Present appeal has been filed by the claimants No.1 and 2 seeking enhancement of compensation of Rs.17,47,000/- awarded by the Motor Accident Claims Tribunal, Faridabad (hereinafter 'the learned Tribunal') vide Award dated 12.08.2022 passed in MACP/179 dated 09.07.2021 filed under Section 166 of Motor Vehicles Act (hereinafter "the Act"). The 3 claimants are the 40-year-old widow, 10-year-old son and father of deceased Jitender Yadav, who was 39 years old at 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 the deceased Jitender Yadav had died due to the injuries suffered by him in a motor vehicular accident that took place on 21.02.2021 due to the rash and negligent driving of Santro Car bearing registration



No.HR-51-BV-6087 (hereinafter “the offending vehicle”) being driven and owned by respondents No.1 & 2 and insured by respondent No.3. The said compensation has been awarded along with interest @ 9% per annum. Respondents were held jointly and severally liable for payment of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been assessed on the lower side as only Rs.9703/- per month. It is submitted that the deceased was working as a Checker in a Company. The claimants had duly examined PW3 Ramesh Pandey, Manager from the said Company who had deposed and proved regarding employment and income of the deceased. Yet the learned Tribunal has assessed income of the deceased on the lower side as only Rs.9703/- per month. It is accordingly prayed that the present appeal be allowed; and the impugned Award be modified.

4. Mr. P.H.S. Pannu, Advocate appears on behalf of respondent No.3 and files Memorandum of Appearance, which is taken on record. Learned counsel opposes the submissions advanced on behalf of the appellants and submits that the impugned Award suffers from no error; and the present appeal deserves to 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 prior to the accident, the deceased was working as a Checker with M/s Centuary Overseas 37, DLF Industrial Area, Kirti Nagar, New Delhi and earning Rs.25,000/- per month i.e. Rs.18,000/- basic pay and Rs.7,000/- as House Rent Allowance. To prove their said assertion, the claimants had examined PW3 Ramesh Pandey, Manager (HR) from the said Company who had proved the Attendance Certificate (Ex.P1) and Wages Record (Ex.P2). The learned Tribunal has rightly rejected the said evidence adduced by the claimants as, as per the said documents, the deceased had been employed in the said Company only with effect from 01.12.2020 i.e. less than two months prior to his death on 21.02.2021. Moreover, PW3 has admitted in his cross-examination that he has not brought the Appointment Letter of the deceased; despite the fact that admittedly the Company routinely issues employment letters to its employees incorporating therein terms and conditions of the employment. No reason was given for not issuing Appointment Letter to the deceased. Even in the Muster Roll (Ex.P1), name of the deceased is entered at the very last Serial No.52 whereafter there is no entry in the Muster Roll. Even in the Salary Record (Ex.P2), name of the deceased finds mention at the bottom. Consequentially, as there was no supporting evidence to prove the assertions of the claimants, the learned Tribunal had correctly assessed income of the deceased as Rs.9703/- per



month, on the basis of Minimum Wages fixed by the Chief Labour Commissioner (C), Ministry of Labour and Employment vide letter dated 01.09.2021. I find no error in the same.

7. Age of the deceased was determined to be 39 years at the time of accident on the basis of his PAN Card, wherein his date of birth is mentioned as 26.08.1982. Accordingly, the learned Tribunal had made an addition of 40% towards future prospects; and correctly applied multiplier of 15. As there were three claimants, deduction of 1/3rd has been correctly made. Under the conventional heads, the learned Tribunal has awarded an amount of Rs.77,000/- to claimant No.1; Rs.40,000/- to claimant No.2; thereby granting total compensation of Rs.17,47,000/-.

8. From the above, it is clear that 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. Learned counsel for the appellants is unable to dispute or controvert the aforesaid facts and findings.

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

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

16.04.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No