

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****142****FAO-5612-2025(O&M)****Date of decision: 06.04.2026****Gurdial Singh & Others****...Appellant(s)****Vs.****Daler Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. B.D. Sharma, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.3/Insurance Company.

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

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.7,27,978/- awarded by the Motor Accident Claims Tribunal, Amritsar (hereinafter 'the learned Tribunal') vide Award dated 08.05.2025 passed in MACP/158 dated 17.11.2020 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 6 claimants are the 88-year-old father, 59-year-old brother, 57-year-old brother, 48-year-old married sister, 67-year-old married sister, and 66-year-old married sister of deceased Sania @ Kuldeep Kaur, who was 56 years old at the time of accident. Present appeal has been filed by claimants No.1 to 4; and claimants No.5 and 6 are pro-forma respondents No.4 and 5 herein.



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 Sania @ Kuldeep Kaur had died due to the injuries suffered by her in a motor vehicular accident that took place on 30.09.2020 at about 5:05 pm due to the rash and negligent driving of Truck bearing registration No.PB-02-BJ-9752 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2, and insured by respondent No.3. The said compensation has been awarded along with interest @ 6% 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 the learned Tribunal has awarded meagre amount of compensation as nothing has been awarded by way of future prospects. Deduction of 50% towards personal expenses has been wrongly made. Interest of 6% is on the lower side and should be at least 9%. Income has been taken on the lower side as only Rs.9907/- per month; whereas deceased Sania @ Kuldeep Kaur was earning Rs.25,000/- per month by running a Boutique from her house. It is submitted that even otherwise also, it is well settled that considering the value of services of the deceased being a house maker, income is to be considered equivalent to wages of skilled labourer. Thus, income of the deceased ought to have been taken as



Rs.25,000/- per month. It is accordingly prayed that the present appeal be allowed and compensation be enhanced as above.

4. On the asking of the Court, Mr. Punit Jain, Advocate accepts notice on behalf of respondent No.3/insurance company. 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. A perusal of record of the case shows that the pleaded case of the appellants before the Tribunal as recorded in Para 2 of the Award is that:-

"2. Perusal of the claim petition reveals that Sania alias Kuldeep Kaur was aged about 56 years and she was earning Rs.25,000/- p.m. by running a boutique from her house. On 30.09.2020, at about 5:05 p.m., Kuldeep Kaur was going on her Activa bearing no. PB-02-CE-9244 towards 100 Ft. road, Amritsar and she was being followed by her brother Shamsher Singh. When she was about to take turn from 100 Ft. Chowk towards 100 Ft. road, truck bearing registration no. PB-02-BJ-9752 driven by respondent no.1 at a very high speed came from her behind and hit her Activa. Sania fell from her Activa and was crushed under the wheels of the truck. She succumbed to the injuries on the spot. She died due to the rash and negligent driving of respondent no.1 and in that regard, FIR No.



264 dated 30.9.2020 was registered against him at Police Station B. Division. She was unmarried and was contributing her income for the household expenses and welfare of her father and siblings. On account of her untimely death, all the claimants not only suffered financially but also lost love and care of their close relative. Hence, present claim petition.”

7. It has been contended on behalf of the appellants that the deceased was running a Boutique and earning Rs.25,000/- per month. However, the appellants have failed to lead any evidence whatsoever in this regard. Regarding income of the deceased, observations of the learned Tribunal are as under:-

*“26. So far as the earnings of the deceased are concerned, though it has been claimed that she was earning Rs.25,000/- by running a boutique/tailoring shop but claimants failed to lead any such cogent and convincing evidence to establish said fact. However, in view of observation of Hon'ble Apex Court given in the case law of **Kirti vs. Oriental Insurance Corporation**, the value of services of claimant being a house maker/her notional income is to be considered equivalent to wages of a skilled laborer. However, considering the fact that deceased was unmarried and the claimants are her major siblings and father, this court find it proper to assess her notional income to be equivalent to that of unskilled laborer. Relying upon the copy of Minimum Wage Rates issued by Office of the Labour Commissioner Punjab bearing No.ST-10279 dated 11-10-2022, for the year 2020 (year of*



*occurrence), this court consider the monthly earning/value of services/notional income to be Rs.9,907/-. If this court is taking the notional income for a housewife then no amount should be added for future prospects. The Hon'ble Supreme Court in **Arun Kumar Aggarwal v. National Insurance Company**, did not award anything for future prospects where a housewife had died. Similarly in **Krishan Gopal v. Lala**, a child had died and two Judges Bench of the Hon'ble Supreme Court while awarding compensation did not take anything for future prospects. In view of principle laid down by Hon'ble Apex Court in the case of **Sarla Verma vs. Delhi Transport Corporation**, and **National Insurance Company Limited vs. Pranay Sethi** the compensation is calculated as detailed... ..”*

8. Ld. Counsel for the appellants has been unable to distinguish the above judgements relied upon by the Tribunal while assessing the income of the deceased. Accordingly, I find no error in the same.

9. As deceased was more than 56 years old, no future prospects were liable to be added. Even otherwise, a three-Judge Bench of the Hon'ble Supreme Court in “**Reshma Kumari v. Madan Mohan (SC) 2013(5) Scale 160; Law Finder Doc ID # 421379; Civil Appeal No.4646 and 4647 of 2009 decided on 02.04.2013**, wherein after discussing the judgment in case of “**Sarla Verma Vs. Delhi Transport Corporation**” (2009) AIR (SC) 3104 Law Finder Doc ID # 188882 in minute detail, had held as follows:-

“F. Motor Vehicles Act, 1988, Sections 166 and 163A - Death of person in motor accident who had a permanent job - What should be the addition to income for future prospects - Method



*of addition of income towards future prospects as stated in which **Sarla Verma's case (2009(3) RCR (Civil) 77)** approved which is reiterated below :-*

(i) An addition of 50% of actual salary be made to the actual salary income of the deceased towards future prospects where the deceased had a permanent job and was below 40 years and the addition should be only 30% if the age of the deceased was 40 to 50 years and no addition should be made where the age of the deceased is more than 50 years.

(ii) Where annual income is in the taxable range, the actual salary shall mean actual salary less tax.

(iii) Where deceased was self employed or was on a fixed salary without provision for annual increments, the actual income at the time of death without any addition to income for future prospects will be appropriate - A departure from the above principle can only be justified in extraordinary circumstances any very exceptional cases. 2009(3) RCR (Civil) 77, Approved.

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*35. With regard to the addition to income for future prospects, in **Sarla Verma**, this Court has noted earlier decisions in **Susamma Thomas, Sarla Dixit and Abati Bezbaruah** and in paragraph 24 of the Report held as under:*

"24. In view of the imponderables and uncertainties, we are in favour of adopting as a rule of thumb, an addition of 50% of actual salary to the actual salary income of the deceased towards future prospects, where the deceased had a permanent job and was below 40 years. (Where the annual income is in the taxable range, the words "actual salary" should be read as "actual salary



less tax"). The addition should be only 30% if the age of the deceased was 40 to 50 years. There should be no addition, where the age of the deceased is more than 50 years. Though the evidence may indicate a different percentage of increase, it is necessary to standardise the addition to avoid different yardsticks being applied or different methods of calculation being adopted. Where the deceased was self-employed or was on a fixed salary (without provision for annual increments, etc.), the courts will usually take only the actual income at the time of death. A departure therefrom should be made only in rare and exceptional cases involving special circumstances."

(Emphasis mine)

10. Further, as deceased was unmarried, deduction of 50% towards personal expenses has been correctly made. Claimants No.4, 5 and 6 were correctly held to be not entitled to grant of compensation as they were the married sisters of the deceased. This is in view of judgment of the Hon’ble Supreme Court in **Deep Shikha v. National Insurance Company Ltd., (SC) : Law Finder Doc ID # 2729764**; wherein it is held that married daughter of the deceased is not entitled to compensation, unless financial dependency is proved.

11. Learned Tribunal had further awarded compensation in the following manner:-

Head	Amount
Annual loss of earning/services	Rs.9907/- x 12 = Rs.1,18,884/-
Deduction of personal expenses/loss of dependency	(50%) Rs.59,442/-



Future prospects	Not applicable
Amount of compensation	Rs.59,442/- x 9 = Rs.5,34,978/-
Funeral expenses	Rs.15,000/- + 10% addition = Rs.16,500/-
Loss of estate	Rs.15,000/- + 10% addition = Rs.16,500/-
Consortium	Rs.40,000/- x 4 = Rs.1,60,000/-
Total	Rs.7,27,978/-

12. From the above, it is clear that in the facts and circumstances of the case, a more than just and fair compensation has been awarded. 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.



13. Learned counsel for the appellants is unable to dispute or controvert the aforesaid factual and legal position. Thus, no ground whatsoever is made out for enhancement of compensation.

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

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

06.04.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No