

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****116****FAO-128-2023(O&M)****Date of decision: 10.03.2026****Gurmeet Kaur & Others****...Appellant(s)****Vs.****Vird Bharti & Others****...Respondent(s)****\*\*\*****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Pallavi Babbar, Advocate  
for the appellants.

Mr. Sachin Gupta, Advocate  
for the respondent No.3.

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

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.11,17,200/- awarded by the Motor Accident Claims Tribunal, Kaithal (hereinafter 'the learned Tribunal') vide Award dated 26.08.2022 passed in MACP Case No.31 dated 15.06.2020 filed under Sections 166 and 140 of the Motor Vehicles Act (hereinafter "the Act"). The 4 claimants are the 37-year-old mother, 47-year-old father, 9-year-old brother and 4-year-old sister of deceased Sandeep, who was 18 years old at the 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 deceased Sandeep had died due to the injuries suffered by him in a motor vehicular accident that took place on 10.02.2020 due to the rash and negligent driving of Mahindra Pick-up bearing registration No.HR-40-C-0177 (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 to pay the compensation.

3. Ld. counsel for the appellants seeks enhancement of compensation by submitting that the Tribunal has not assessed the job and income of the deceased correctly. Loss of love and affection has not been awarded to claimants No.1 and 2/parents. Funeral expenses and Loss of estate have been assessed on the lower side. No filial consortium has been awarded to the claimants No.3 and 4. Interest should have been awarded @ 12% per annum. It is accordingly prayed that present appeal be allowed and compensation be modified as above.

4. Per contra, Id. counsel for the respondent No.3 opposes the 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 prior to the accident, the deceased was working as a casual labourer and earning Rs.15,000/- per month. However, except for the oral deposition of the claimant No.2/father as PW1, there was no documentary evidence adduced by the appellants to show that deceased was employed at a utensil shop as alleged, or that he was earning Rs.15,000/- per month. No employer of the deceased was examined by the appellants to prove their said contention. Accordingly, the learned Tribunal had taken income of the deceased as Rs.6,000/- per month. I find no error in the same.

7. Age of the deceased was determined to be 18 years on the basis of his Post-Mortem Report (Ex.P7). Accordingly, the learned Tribunal had made an addition of 40% towards future prospects; and correctly applied multiplier of 18. As deceased was a bachelor, deduction of 50% was correctly made towards personal expenses. Learned Tribunal has further awarded an amount of Rs.40,000/- each to the claimants No.1 and 2 by way of filial consortium. The learned Tribunal has further awarded an amount of Rs.1 lakh i.e. Rs.50,000/- each to the claimants No.3 and 4/minor brother and sister of the deceased by way of loss of love and affection. Learned Tribunal has also awarded Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses; thereby granting total compensation of Rs.11,17,200/-.



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. 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.

9. 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**.

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

**10.03.2026**

Sunena

**(Nidhi Gupta)**

**Judge**

**Whether speaking/reasoned: Yes/No**

**Whether reportable: Yes/No**