IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

123 **FAO-5179-2025 (O&M)**
Date of decision: 30.03.2026

Smt. Neelam **...Appellant(s)**

Vs.

Ifzal and others **...Respondent(s)**

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vishva Nath Sharma, Advocate
for the appellant.

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NIDHI GUPTA, J.

CM-17310-CII-2025

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 CPC is for condonation of delay of 52 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is supported by an affidavit of the applicant/appellant, the same is allowed and delay of 52 days in filing the accompanying appeal is condoned.

FAO-5179-2025 (O&M)

The present appeal has been filed by the sole claimant seeking enhancement of compensation of Rs.31,25,920/- awarded by the learned Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (hereinafter referred to as "the learned Tribunal") vide Award dated 26.03.2025 passed in MACT Claim Petition No.233 dated 25.09.2020 filed under Section 166 of the

Motor Vehicles Act, (hereinafter referred to as "the Act"). The sole claimant is the 58-year-old mother of the deceased Archit Sharma, who was 29 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Archit Sharma had died due to the injuries suffered by him in a motor vehicular accident that took place on 28.06.2020 at about 7:00 p.m. due to the rash and negligent driving of a Tractor bearing registration No. HR71C-5870 (hereinafter "the offending vehicle") being driven by respondent No.1; owned by respondent No.2 and insured by respondent No.3. The above said compensation was awarded along with interest @ 7.5% per annum, if respondent No.3 fails to pay the compensation within 60 days. All the respondents were held jointly and severally liable to pay the compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.21,400/- p.m. It is submitted that deceased was working as an Engineer in a Private Limited Company. Appellant has placed on record his salary certificate Ex.P13, as per which, appellant was earning Rs.41,167/- p.m. Yet, the learned Tribunal has taken income of the deceased on the lower side as only Rs.21,400/- p.m. It is further submitted that nothing has been awarded even by way of interest.

4. It is accordingly prayed that the present Appeal be allowed; and the compensation be enhanced.

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

6. Perusal of the record of the case shows that it was the pleaded case of the appellant in the Claim Petition that prior to the accident "*deceased was serving in a private limited company as an Engineer and was also doing part time engineering work and was earning Rs.21,400/- as monthly salary and Rs.15,000/- per month by working part time. His total monthly income was Rs.36,400/-. The claimant is mother of the deceased Archit Sharma."* However, in the Grounds of appeal, Appellant has pleaded as follows: -

> *"5. That the appellant Archit Sharma (Since deceased) is aged about 29 years at the time of death and was hale and hearty and was serving in a private limited company as an Engineer and was also doing part time engineering work and was earning Rs. 26,167/ as per recorded the statement of Sh. Rohit Saini Law Officer, Chanderpur Works Ltd. Yamuna Nagar (Ex. P-13 Salary Slip of Deceased) as monthly salary and as per Employee Increment Certificate and as per Employee Increment Certificate, Rs. 700/- increment was to be implemented from 01.11.2019 and Rs. 15,000/- per month by working part time. His total monthly income was Rs. 41,167/-."*

7. Thus, there is a variance in the claim set up by the appellant herself; in as much as the claim petition appellant has pleaded that deceased was earning ₹36,400/– per month; whereas in the present appeal, appellant has pleaded that deceased was earning ₹41,167/– per month. Furthermore,

the record reveals that income of the deceased has been discussed by the learned Tribunal in para 17 of the impugned Award as follows: -

> *"17. The mother of deceased named Neelam Sharma (PW2) deposed that prior to his death, Archit Sharma was working in a private limited company as Engineer and was earning Rs.21,400/- per month as salary. In support of her version, claimant produced PW1 Rohit Saini, Law Officer, who proved salary slip Ex.P2, attendance sheet Ex.P3, which prove that the deceased was working in the company and was getting net salary of Rs.21,400/- per month. Hence, annual income of the deceased would be taken as Rs.21,400x 12=Rs.2,56,800/-."*

8. Nothing has been brought on record to prove the alleged income derived by the deceased through part time work. It is therefore my view that the Tribunal has correctly assessed income of the deceased as Rs.21,400/-p.m.

9. Further, age of the deceased was determined to be 29 years at the time of accident on the basis of the pleadings; as also on the basis of his Matriculation Certificate Ex.P11; wherein his date of birth is mentioned as 08.05.1991. Accordingly, learned Tribunal had made an addition of 40% towards future prospects; and correctly applied multiplier of 17. As the appellant was the sole claimant, learned Tribunal had made deduction of 50% towards personal expenses. Under the conventional heads, Tribunal has further awarded an amount of Rs.40,000/- for loss of consortium; Rs.15,000/- towards funeral expenses; and Rs.15,000/- towards loss of

estate; thereby granting total compensation of Rs.31,25,920/- in the following manner:-

Sr. No.	Heads	Calculation (in Rs.)
1.	Annual Income	Rs.2,56,800/- (Rs.21,400 x 12)
2.	Addition (future prospects @ 40% of the annual income)	Rs.1,02,720/-
3.	Total income	Rs.3,59,520/-
4.	Deduction for personal and living expenses	1/2 of Rs.3,59,520 = Rs.1,79,760/-
5.	Net assessable income	Rs.3,59,520-Rs.1,79,760 - Rs.1,79,760/-
6.	Multiplier	17
7.	Loss of income	Rs.1,79,760x 17 =Rs.30,55,920/-
8.	Loss of consortium	Rs.40,000/-
9.	Funeral expenses and loss of estate	Rs.15,000/- + Rs.15,000 = Rs.30,000/-
10.	**Total**	**Rs.31,25,920/-**

10. From the above facts, it is clear that a just and fair compensation has been awarded to the appellant. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellant. 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 Vs. Jasbir Kaur" Law Finder Doc ID # 64043*** and ***"Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty and another" (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.

11. Accordingly, I find no error in the compensation awarded by the learned Tribunal. The present Appeal stands **dismissed**.

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

30.03.2026 **(NIDHI GUPTA)**
Divyanshi **JUDGE**

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