



## IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 08.01.2026

FAO-5436-2025(O&amp;M)

Usha Devi &amp; Others

...Appellant(s)

Vs.

Kuldeep Kumar &amp; Others

...Respondent(s)

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CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Raj Kumar Chauhan, Advocate  
Mr. Yuvraj Singh Chauhan, Advocate  
for the appellants.

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NIDHI GUPTA, J.CM-18348-CII-2025

This is an application under Section 5 of Limitation Act for condonation of delay of 21 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of appellant No.1, the same is allowed subject to all just exceptions and delay of 21 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.16,80,720/- awarded by the Motor Accident Claims Tribunal, Karnal (hereinafter 'the learned Tribunal') vide Award dated 07.05.2025 passed in MACP Case No.147 dated 09.08.2022



filed under Sections 140 and 166 of the Motor Vehicles Act (hereinafter “the Act”). The 4 claimants are the 46-year-old mother, 54-year-old father, 21-year-old brother and 19-year-old sister of deceased Jyoti, who was 23 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 Jyoti had died due to the injuries suffered by her in a motor vehicular accident that took place on 21.03.2022 at about 5 pm due to the rash and negligent driving of truck bearing registration No.HR-12F-7211 (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 @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been wrongly assessed as only Rs.10,243/- per month. It is submitted that deceased was doing a Diploma of Computer Operator and Programming Assistant in Government ITI, Taraori and was also running Beauty Parlour in her house and earning Rs.10,000/- per month. Yet income of the deceased has been taken only Rs.10,243/- per month. It is further submitted that deduction of 50% has been wrongly made towards personal expenses. Moreover, future



prospects should have been added @ 50%. Even less amount has been granted towards filial consortium. It is accordingly prayed that the present appeal be allowed and the compensation be enhanced as above.

4. No other argument is made on behalf of the appellants. 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.

5. As noted above, it is the own case of the appellants that deceased was earning Rs.10,000/- per month. Accordingly, the Tribunal has rightly relied upon Minimum Wage Notification dated 14.10.2022 issued by the Labour Commissioner, Haryana under the Minimum Wages Act and has taken income of the deceased as Rs.10,243/- per month. Ld. Tribunal had also taken due note of the fact that the appellants had failed to prove the alleged occupation and income of the deceased.

6. Age of the deceased was proved to be 23 years on the basis of her Senior Secondary Examination Certificate (Ex.P7) wherein her date of birth is mentioned as 31.05.1999. Thus, the Tribunal had correctly made addition of 40% towards future prospects; and multiplier of 18 was also correctly applied. As deceased was unmarried at the time of accident, deduction of 50% towards personal expenses was correctly made. Tribunal had further awarded Rs.18,000/- towards loss of estate and Rs.18,000/- for funeral expenses. Learned Tribunal also awarded Rs.48,000/- each to claimants No.1 and 2; thereby granting total compensation of Rs.16,80,720/-.



7. From the above facts, 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. Mahadev 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.

8. In view of the above noted factual and legal position, the present appeal accordingly stands **dismissed**.

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

08.01.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No