



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 08.01.2026

FAO-5397-2025(O&M)

Sunita Rani & Others

...Appellant(s)

Vs.

Jaswinder Kumar & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Naveen Mandhan, Advocate
for the appellants.

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

NIDHI GUPTA, J.CM-18158-CII-2025

This is an application under Section 5 of Limitation Act for
condonation of delay of 87 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 87 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by claimants No.1, 2 and 4
seeking enhancement of compensation of Rs.79,70,000/- awarded by the



Motor Accident Claims Tribunal, Kurukshetra (hereinafter 'the learned Tribunal') vide Award dated 03.03.2025 passed in Case No.61 dated 10.02.2020 filed under Sections 140 and 166 of the Motor Vehicles Act (hereinafter "the Act"). The 5 claimants are the 49-year-old widow, 26-year-old married daughter, 23-year-old son and parents of deceased Satish Chander Panchal, who was approximately 52 years old at the time of accident. Claimant No.3/23-year-old son and claimant No.5/72-year-old father of the deceased 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 deceased Satish Chander Panchal had died due to the injuries suffered by him in a motor vehicular accident that took place on 10.01.2020 due to the rash and negligent driving of Tractor Trailer bearing temporary registration No.HR-67-2020-TR-4484C (hereinafter referred to as "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 No.1 to 3 were held jointly and severally liable for payment of compensation amount.

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.80,229/- per month. It is submitted that the deceased had bright future ahead of him and he might have got promotion in the Department. Even consortium has been awarded only to claimant No.1 and not to the remaining claimants. The rate of interest is also on the lower side as only 7.5% per annum and the same should be at least 9%. Less amounts have been awarded under the loss of estate and funeral expenses. It is accordingly prayed that the present appeal be allowed and the compensation be enhanced as above.

4. Per contra, learned counsel for the respondent No.3/Insurance Company 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 that prior to the accident, the deceased was working as MCM/AC in Northern Railway, Government of India. As per the Salary Slips/Ex. P-7 produced by the appellants, the deceased was drawing salary of Rs.91,904/- per month which included DA (Rs.9,673/-), HRA (Rs.13,656/-), Transport Allowance (Rs.4,212/-), NDA (Rs.2,663/-) and Travel Allowance



(Rs.4,800/-). However, only HRA and DA paid to the deceased were to be included for the computation of his monthly salary. Therefore, after deducting the remaining allowances amounting to Rs.11,675/-, the monthly salary of the deceased came to Rs.80,229/-. I find no error in the same.

7. Further, age of the deceased was proved to be approximately 52 years on the basis of his Pension Payment Order (Ex.P5), in which date of birth of the deceased was mentioned as 15.08.1967. Accordingly, the learned Tribunal had made an addition of 15% towards future prospects. After making deduction of Income Tax, annual income of the deceased was calculated to be Rs.9,56,723/-.

8. Further, Id. Tribunal has made deduction of 1/4th towards personal expenses. The claimant No.5/father of the deceased was not held entitled to compensation as PW1 had admitted in her cross-examination that he was a retired Veterinary Doctor and was getting pension. Accordingly, claimants No.1 to 4 were held dependent upon the income of the deceased and deduction of 1/4th was made towards personal expenses. However, claimant No.2 was married daughter of the deceased, yet she has been held entitled to compensation. It is my view that claimant No.2 being married daughter of the deceased was not entitled to compensation 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. In this view of the matter, deduction of 1/3rd was liable to be made towards personal expenses.

9. As deceased was 52 years and 4 months old, multiplier of 11 was correctly applied. Claimants No.1 to 4 were held entitled to Rs.44,000/- towards loss of consortium. Rs.16,500/- has been awarded towards loss of estate and Rs.16,500/- towards funeral expenses. As regards the contention of the appellants that each of the claimants was entitled to loss of consortium, the same is also liable to be rejected in terms of recent judgments of the Hon'ble Supreme Court in **"Shri Ram General Insurance Co. Ltd. Vs. Bhagat Singh Rawat & Others"** Civil Appeal Nos.2410-2412/2023 Law Finder Doc ID # 2251622 and **"Mehmooda Bee & Others Vs. National Insurance Co. Ltd."** (@ SLP (C) No.16767 of 2022) Law Finder Doc ID # 2070774 and **"Bebi Giri Vs. National Insurance Co. Ltd."** Civil Appeal No.6551 of 2022 Law Finder Doc ID # 2070826, wherein it has been held that maximum sum of Rs.77,000/- can be granted under the conventional heads. In the present case, ₹77,000/- has been granted under the conventional heads.

10. Even further, as per judgment of the Hon'ble Supreme Court in (SC) SLP No.13931 of 2017 titled as **"New India Assurance Co. Ltd. Vs. Vinish Jain & Others"** Law Finder Doc ID # 977386, it has been held that where difference in compensation is about 4 to 5 per cent only, it does not warrant



interference by this Court as, such variation in compensation is within permissible limits.

11. This above-said judgment of the Hon'ble Supreme Court has been followed by the Kerala High Court in **"The Managing Director, Divisional Controller Versus Alikutty and Others"** Law Finder Doc Id # **1885188**. Relevant para 18 of the said judgment is reproduced below:-

*"18. It is to be borne in mind, the accident occurred on 23,2,2019. It is more than 2 ½ years since the respondents 1 to 4 have been knocking at the doors of the Courts seeking compensation on account of the death of the bread-winner. It is trite law that the Tribunal is permitted to do some guess work and also exercise its discretion to fix the reasonable and just compensation, for which there cannot be any straightjacket formula based on mathematical precision. In **New India Assurance Company Vs. Vinish Jain and Others [(2018) 3 SCC 619]**, the Hon'ble Supreme Court has held that if the fixation of compensation is within permissible limits, the courts should normally not interfere with such awards".*

12. Above said view has been reiterated by the Kerala High Court in **"Reliance General Insurance Company Limited Vs. Adila and Others"**, Law Finder Doc ID # **1921609**, paras 16 and 17 of which read as under:-

"16. The other area of dispute is that the Tribunal after awarding compensation under the conventional heads has awarded Rs.75,000/- towards loss of love and affection and Rs.10,000/- awarded towards pain and sufferings.

*17. In **New India Assurance Co., Ltd v. Vineesh.J[2018 (3) SCC 619]**, the Hon'ble Supreme Court has held that the Appellate Court can permit variation of plus or minus 4 to 5 percent."*



13. 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.

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

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

08.01.2026

Sunena

(Nidhi Gupta)

Judge

2026:PHHC:000870



FAO-5397-2025

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