

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****237****FAO-15892-2018(O&M)****Date of decision: 18.03.2026****Parmjit Kaur & Others****...Appellant(s)****Vs.****Gurmail Singh & Another****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Amitoj Singh, Advocate for
Mr. Aminder Singh, Advocate
for the appellants.

Mr. Radhey Shyam Sharma, Advocate
for respondent No.2.

*********NIDHI GUPTA, J.****CM-28452-CII-2018**

This is an application under Section 5 of Limitation Act for
condonation of delay of 104 days in filing the appeal.

After going through the contents of the application, which is
supported by affidavit of the appellant No.1, the same is allowed subject to
all just exceptions and delay of 104 days in filing present appeal is condoned.

MAIN CASE

Present appeal has been filed by the claimants seeking
enhancement of compensation of Rs.11,84,200/- awarded by the Motor
Accident Claims Tribunal, Sangrur (hereinafter 'the learned Tribunal') vide
Award dated 17.03.2018 passed in MACT Case No.6 dated 19.01.2017 filed



under Section 166 of the Motor Vehicles Act (hereinafter “the Act”). The 4 claimants are the 31-year-old widow, 11-year-old daughter, 7-year-old son and 71-year-old mother of deceased Balwinder Singh, who was 38 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 the deceased Balwinder Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 15.11.2016 at about 12:25 pm due to the rash and negligent driving of trolly bearing registration No.PB-04-L-9795 (hereinafter “the offending vehicle”) being driven and owned by respondent No.1 and insured by respondent No.2. The said compensation has been awarded along with interest @ 7.5% 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 income of the deceased has been taken on the lower side as only Rs.6600/- per month. It is submitted that the appellants had proved on record that the deceased was working as a Driver and earning Rs.12,000/- per month. Yet the learned Tribunal has assessed income of the deceased on the lower side. Furthermore, future prospects have not been correctly added. Even under the conventional heads, amounts have been granted on the lower side. Multiplier is also on the lower side.



4. Per contra, learned counsel for the respondent No.2 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.

6. It was the pleaded case of the appellants before the learned Tribunal that prior to the accident, the deceased was working as a Driver and earning Rs.12,000/- per month. However, except for the bald averment made by the appellants, no evidence whatsoever was produced by them to prove the above-said avocation and alleged income of the deceased. Accordingly, the learned Tribunal had assessed monthly income of the deceased as that of a labourer as Rs.6600/- per month. I find no error in the same.

7. Further, age of the deceased was determined to be 38 years at the time of accident, on the basis of Post-Mortem Report (Ex.C2). As such, as per law, future prospects were to be added @ 40%. However, Tribunal has made an addition of 25% towards future prospects, which is not as per structured formula enunciated by the Hon'ble Supreme Court. Given the fact that deceased was less than 40 years old, future prospects were liable to be added @ 40%. Learned Tribunal has correctly applied multiplier of 15. As there were 4 claimants, deduction of 1/4th has been correctly made.



8. Further, under the conventional heads, the learned Tribunal has granted Rs.15,000/- towards funeral expenses; Rs.15,000/- towards loss of estate, however, has granted consortium of Rs.40,000/- only to claimant No.1. Whereas, Claimants no.2, 3 and 4 are also entitled to ₹40,000/– each by way of filial and parental consortium.

9. In view of the above, present appeal stands **allowed**; and compensation payable to the appellants is re-assessed in the following manner:-

Head	Awarded by learned Tribunal	Re-assessed compensation
Income	Rs.6600/- per month	Rs.6600/- per month
Future prospects	(25%) Rs.6600/- + Rs.1650/- = Rs.8250/-	(40%) Rs.6600/- + Rs.2640/- = Rs.9240/-
Deduction (1/4 th)	Rs.2062/- rounded off to Rs.2060/-	Rs.6930/-
Annual dependency	Rs.6190/- x 12 x 15 = Rs.11,14,200/-	Rs.6930/- x 12 x 15 = Rs.12,47,400/-
Funeral expenses	Rs.15,000/-	Rs.15,000/-
Loss of estate	Rs.15,000/-	Rs.15,000/-
Loss of consortium to claimant No.1	Rs.40,000/-	Rs.40,000/-
Consortium to claimants no.2, 3, 4	Nil	Rs.40,000 x 3 =Rs.1,20,000/-
Interest	7.5% pa	7.5% pa
Total	Rs.11,84,200/-	14,37,400/-

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

18.03.2026
Sunena

(Nidhi Gupta)
Judge

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