



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(1) **FAO No.514 of 2023 (O&M)**
Date of decision: 29.04.2026

Jameela and others

...Appellants

Versus

Rahul Singh and others

...Respondents

(2) **FAO No.1127 of 2023 (O&M)**

Jameela and others

...Appellants

Versus

Rahul Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present :- Mr. Vishal Sharma,
for the appellants.

NIDHI GUPTA, J.

CM No.8717-CII of 2026

Prayer in this application filed under Section 5 of the
Limitation Act is for condonation of delay of 58 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 No.1, the same is



allowed and delay of 58 days in filing the accompanying appeal is condoned.

FAO No.514 of 2023 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.14,81,800/- awarded by the Motor Accidents Claims Tribunal, Pathankot (hereinafter “the learned Tribunal”) vide Award dated 05.07.2022 passed in MACP Case No. 01 dated 04.01.2022 filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter “the Act”). The 4 claimants are the 50-year-old mother; 53-year-old father; 30-year-old brother; and 26-year-old sister of the deceased Mohammad Islam @ Munna who was 23 years old at the time of accident.

FAO No.1127 of 2023 (O&M)
CM No.8467-CII of 2026

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 58 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 No.1, the same is allowed and delay of 58 days in filing the accompanying appeal is condoned.

FAO No.1127 of 2023 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.15,48,137/- awarded by the Motor Accidents Claims Tribunal, Pathankot (hereinafter “the learned Tribunal”) vide Award dated 05.07.2022 passed in MACP Case No.02 dated



04.01.2022 filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter “the Act”). The 4 claimants are the 50-year-old mother; 53-year-old father; 30-year-old brother; and 26-year-old sister of the deceased Mohammad Anish who was 22 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal upon appraisal of the pleadings, and the oral and documentary evidence adduced by the parties, concluded that deceased-Mohammad Islam @ Munna and Mohammad Anish had both died due to the injuries suffered by them in a motor vehicular accident that took place on 29.11.2021 due to the rash and negligent driving of a Tipper bearing registration No. PB-06-AZ-1387 (hereinafter ‘the offending vehicle’), which was being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3.

FAO No.514 of 2023 (O&M)
FAO No.1127 of 2023 (O&M)

With the consent of learned counsel for the appellants, both the above said appeals are being disposed of by this common order as both appeals pertain to the same accident dated 29.11.2021; both the appeals are between the same parties; and facts and issues involved in both the cases are identical; and both pertain to the same Award dated 05.07.2022.

2. Learned counsel for the appellants seeks enhancement of compensation by submitting that the income of the deceased has been taken on the lower side as only Rs.9,000/- per month. It is submitted that even as per relevant Notification, minimum wage admissible to an unskilled labourer was about Rs.9,400/- per month. Moreover, father of the deceased was also dependent upon the income of his deceased son. However,



nothing has been awarded to him on account of death of his son. Even nothing has been awarded by way of consortium to the claimants. Even the rate of interest was on the lower side @ 7.5% per annum whereas the same should be @ 9% per annum. It is, accordingly, prayed that the present Appeals be allowed; and the compensation awarded to the claimants be enhanced.

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

4. It is the first contention of the appellants that income of the deceased has been taken on the lower side as Rs.9,000/- per month. A perusal of the record of the case shows that it was the pleaded case of the appellants before the Tribunal that prior to the accident, both the deceased i.e Mohammad Islam @ Munna and Mohammad Anish were fruit and vegetable merchants besides having 25 buffaloes and were earning Rs.50,000/- per month. However, no evidence whatsoever was led by the appellants to prove the aforesaid alleged avocation or income of the deceased. In the absence of any evidence learned Tribunal had, therefore, correctly assessed income of the deceased as an unskilled labourer as Rs.9,000/- per month. Reliance of the appellants upon the Notification dated 11.10.2022 issued by the Office of Labour Commissioner, Punjab, is misplaced as, no explanation has been offered by learned counsel for the appellants as to why the said Notification was not furnished by the appellants before learned Tribunal. Moreover, there is difference of only Rs.400/- inasmuch as minimum wages for an unskilled labourer are shown



Rs.9399.73 w.e.f. 01.09.2021. Thus, I find no error in the income as assessed by the learned Tribunal.

5. Further, age of the deceased Mohammad Islam @ Munna was determined to be 23 years at the time of accident on the basis of his Post-mortem Report Exhibit C-2. Similarly, the age of deceased Mohammad Anish was determined to be 22 years at the time of accident on the basis of his Post-mortem Report Exhibit C-2. Accordingly, the learned Tribunal has correctly made an addition of 40% towards future prospectus; and correctly applied multiplier of 18. As both deceased were bachelors, deduction of 50% has been correctly made towards personal expenses. Under the Conventional Heads, Learned Tribunal has awarded an amount of Rs.16,500/- towards funeral expenses; Rs.16,500/- towards loss of estate; and an amount of Rs.44,000/- each to claimants No.1 and 2 i.e parents of the deceased. In the case of Mohammad Anish (deceased in FAO No.1127 of 2023), an additional amount of Rs.66,377/- has been awarded by the Tribunal as reimbursement towards medical bills produced by the appellants; thereby total awarding Rs.15,48,137/-. Whereas in the case of Mohammad Islam @ Munna (deceased in FAO No.514 of 2023), the total compensation of Rs.14,81,800/- has been awarded as noted above.

6. From the above facts, it is clear that 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 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. 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.

7. In view of the above, I find no ground is made out to interfere in the impugned Awards. Both the abovesaid Appeals stand **dismissed**.

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

29.04.2026
Seema

(NIDHI GUPTA)
JUDGE

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