

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****130****FAO-6191-2023(O&M)****Date of decision: 25.05.2026****Smt. Miskina & Others****...Appellant(s)****Vs.****Sita Ram & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Ashish Gupta, Advocate
for the appellants.Mr. Vinod Gupta, Advocate
for respondent No.3.*********NIDHI GUPTA, J.****CM-21291-CII-2023**

This is an application under Section 5 of Limitation Act for condonation of delay of 14 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 14 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.12,09,360/- awarded by the Motor Accident Claims Tribunal, Gurugram (hereinafter referred to as 'the learned Tribunal') vide Award dated 17.07.2023 passed in MACP-336-2020 filed under Section 166 of Motor Vehicles Act (hereinafter "the Act"). The 3



claimants are the 22-year-old widow, 49-year-old mother and 57-year-old father of deceased Sahil @ Sahib, who was about 22 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 Sahil @ Sahib had died due to the injuries suffered by him in a motor vehicular accident that took place on 17.11.2019 at about 3:35 pm due to the rash and negligent driving of Maruti Van bearing registration No.RJ-05-UA-8080 (hereinafter referred to as “the offending vehicle No.1”) being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation amount.

3. The primary ground on which learned counsel for the appellants seeks enhancement of compensation is by submitting that nothing has been awarded to the claimants by way of consortium. It is also submitted that interest should have been awarded @ 18%; income assessed is on the lower; funeral expenses are on lower side; transportation expenses of Rs.40,000/- ought to have been awarded. It is accordingly prayed that the present appeal be allowed; and Award be modified.

4. Notice of motion.



5. On the asking of the Court, Mr. Vinod Gupta, Advocate accepts notice on behalf of respondent No.3. Ld. counsel opposes the submissions advanced on behalf of the appellants and submits that impugned Award suffers from no error; and the present appeal deserves to be dismissed.

6. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find some merit in the submissions advanced on behalf of the appellants.

7. It was the pleaded case of the appellants that prior to the accident, the deceased was earning Rs.21,000/- per month. Nothing is brought to the notice of this Court in respect of the alleged avocation or profession of the deceased from which he was generating this alleged income of Rs.21,000/- per month. Even no documentary evidence was produced to prove the said income of the deceased. Accordingly, in the absence of any evidence, the Tribunal had assessed income of the deceased as Rs.5850/- per month as Minimum Wages admissible to an unskilled labourer/worker in the year 2019 in the State of Rajasthan. I find no error in the same.

8. Further, age of the deceased was determined to be 22 years at the time of accident on the basis of his Post-Mortem Report (Ex.P14). Accordingly, learned Tribunal had made an addition of 40% towards future prospects; and correctly applied multiplier of 18. As there were three claimants, deduction of $\frac{1}{3}^{\text{rd}}$ was correctly made.



9. However, under the conventional heads, the learned Tribunal has only awarded Rs.15,000/- funeral expenses and Rs.15,000/- towards loss of estate; thereby awarding total compensation of Rs.12,09,360/-. Nothing has been awarded to the appellants towards consortium.

10. Accordingly, present appeal is **partly allowed**; and compensation payable to the claimants is re-assessed as follows: -

Head	Awarded by learned Tribunal	Re-assessed compensation
Income	Rs.5850/- per month	Rs.5850/- per month
Future prospects	(40%) Rs.5850/- + Rs.8190/-	(40%) Rs.5850/- + Rs.8190/-
Deduction	(1/3 rd) Rs.8190/- - Rs.2730/- = Rs.5460/- or Rs.65,520/- per annum	(1/3 rd) Rs.8190/- - Rs.2730/- = Rs.5460/- or Rs.65,520/- per annum
Multiplier	(18) Rs.65,520/- x 18 = Rs.11,79,360/-	(18) Rs.65,520/- x 18 = Rs.11,79,360/-
Loss of estate	Rs.15,000/-	Rs.15,000/-
funeral expenses	Rs.15,000/-	Rs.15,000/-
Consortium	--	Rs.40,000/- x 3 = Rs.1,20,000/-
Total	Rs.12,09,360/-	Rs.13,29,360/-
Interest	7.5% p.a.	7.5% p.a.

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

25.05.2026
Sunena

(Nidhi Gupta)
Judge

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