

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****212****FAO-3270-2023 (O&M)****Date of decision: 10.04.2026****Joginder Singh and another****...Appellant(s)****Vs.****Reliance General Insurance and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- None for the appellants.

Mr. D.K.Prajapati, Advocate, for respondent No.1.

NIDHI GUPTA, J.

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.13,47,933.76 granted by the learned MACT, Patiala vide Award dated 21.10.2000 passed in MACP Case No. 220 dated 24.05.2019 filed under Section 166 of the Motor Vehicles Act. The 2 claimants are parents of the deceased Maninder Singh, who was 23 years old at the time of accident.

2. It may be pointed out that the present appeal is of the year 2023. Order sheets show that on the last 2 dates of hearing being 28.05.2025 and 28.07.2025, none has appeared on behalf of the appellants. Accordingly, vide last order dated 28.07.2025, Registry was directed to inform learned counsel for the parties. Office report shows that learned counsel for the appellants has been duly informed. Yet, none has appeared on behalf of the appellants. In view of the above facts, present appeal is



being heard and decided in the absence of learned counsel for the appellant.

3. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased- Maninder Singh son of Joginder Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 12.04.2019 at about 3:30 p.m. due to the rash and negligent driving of a Kwid Car bearing registration No. PB-11-BX/1214 (hereinafter “the offending vehicle”) being driven by respondent No.2; owned by respondent No.3; and insured by respondent No.1. The rash and negligent driving of offending vehicle by respondent No.2 was proved before the learned Tribunal from the evidence of Maninder Singh son of Avtar Singh, eyewitness, who, while appearing as CW2 had deposed regarding the rash and negligent driving of the offending vehicle of respondent No.2. The above said compensation was awarded along with interest @ 7% per annum. All the respondents were held jointly and severally liable to pay the amount of compensation.

4. A perusal of the Grounds of Appeal shows that the claimants have sought enhancement of compensation on the grounds that income of the deceased has been taken on the lower side as deceased was an agriculturist and was earning Rs.40,000/- p.m. Appellants have referred to evidence led by them to prove that the deceased was having 5 acres of land; and also further 11 acres of land. It has been stated that nothing has been awarded on account of loss of future income and loss of estate. Future prospects have also not been considered on the basis of Ex.C19 and Ex.C12.



Interest should have been awarded @ 18% p.a. instead of 7% p.a. It has accordingly been prayed that the appeal be allowed and the compensation be enhanced.

5. Ld. counsel for respondent No.1 submits that the impugned Award suffers from no infirmity as the compensation awarded to the appellants is adequate. Hence, the present appeal deserves to be dismissed.

6. I have heard learned counsel for respondent No.1 and perused the case file in minute detail. I find merit in the submissions advanced on behalf of respondent No.1.

7. Perusal of the record of the case shows that it was the pleaded case of the appellants that prior to the accident, deceased Maninder Singh was an agriculturist and was earning Rs.40,000/- p.m. To support their claim, claimants had examined claimant No.1 as CW1, who had brought copy of Jamabandi Ex.C17, as per which, claimants were shown to be having 5 acres and 11 acres of land on which deceased was stated to have been working. It needs not to be pointed that any agricultural land of the deceased will devolve upon the claimants. Thus, no loss of income has been caused to the appellants and, therefore, only managerial loss is to be given. As such, income of the deceased was only required to be assessed as per the managerial/supervisory wages for managing the said land; which has been correctly assessed by the learned Tribunal as Rs.8,451.95/- p.m. In this circumstance, learned Tribunal had correctly taken monthly income of the deceased as Rs.8,451.95/- p.m. on the basis of Minimum Wage Notification

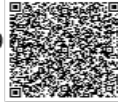


issued by Punjab Government applicable for the month of April 2019. I find no error in the same.

8. Further, age of the deceased was determined to be 23 years on the basis of pleadings. Accordingly, learned Tribunal had correctly made addition of 40% towards futures prospects; and correctly applied multiplier of 18. As deceased was a bachelor, learned Tribunal had correctly made deduction of 50% towards personal expenses. Under the conventional heads, the Tribunal has awarded an amount of Rs.40,000/- towards consortium; Rs.15,000/- towards funeral expenses; and Rs.15,000/- towards loss of estate; thereby granting total compensation of Rs.13,47,933.76/-.

9. As per the Grounds of Appeal, it has been stated that meagre amount has been awarded under the conventional heads. The said contention is liable to be rejected in view of the 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 and **"Mehmooda Bee & Others Vs. National Insurance Co. Ltd."** (@ SLP (C) No.16767 of 2022) and **"Bebi Giri Vs. National Insurance Co. Ltd."** Civil Appeal No.6551 of 2022, wherein it has been held that maximum sum of Rs.70,000/- only can be granted under the conventional heads. In the present case, ₹70,000/- has been awarded under the conventional heads.

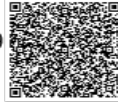
10. Even otherwise, the Hon'ble Supreme Court in (SC) SLP No.13931 of 2017 titled as **"New India Assurance Co. Ltd. Vs. Vinish Jain & Others"**, has held that where difference in compensation is about 4 to 5 per



cent only, it does not warrant interference by this Court as, such variation in compensation is within permissible limits.

11. From the above, it is clear that in the facts and circumstances of the case, 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. Mahadeva 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.

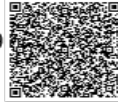
12. Before parting, it may also be pointed out that in respect of the accident in question dated 12.04.2019 at about 3:30 p.m., an FIR No.37 dated 12.04.2019 was registered under Sections 279, 337, 338, 304-A and 427 IPC at Police Station Shambhu, District Patiala against respondent No.2, on the basis of statement made by complainant/eyewitness, namely, Maninder Singh, son of Avtar Singh. As pointed out above, said Maninder



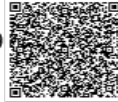
Singh had appeared before the learned Tribunal as CW2 and had deposed regarding the rash and negligent driving of the offending vehicle by respondent no.2. Consequentially, the Tribunal had held the claimants entitled to compensation as rash and negligent driving of offending vehicle by respondent no.2 was proved from evidence of eyewitness, Maninder Singh.

13. Said Maninder Singh s/o Avtar Singh had also appeared before the Criminal Court as PW1. However, in the said criminal trial, the respondent No.2 has been acquitted by the learned Judicial Magistrate, 1st Class, Rajpura, vide judgment dated 23.01.2024 as the complainant/alleged eyewitness Maninder Singh, son of Avtar Singh, while appearing as PW1 before the JMIC, Rajpura has turned hostile. A perusal of the said judgment shows that respondent No.2 has been acquitted on account of the fact that complainant and other prosecution witnesses have turned hostile. Therefore, the complainant Maninder Singh, who had appeared as CW2 before the learned Tribunal and had submitted that accident had been caused due to rash and negligent driving of respondent No.2, has presented a whole different case before the learned JMIC, Rajpura, Maninder Singh, while appearing as PW1, has given totally different sequence of events as recorded in para 5(i) of the judgment dated 23.01.2024 of the learned JMIC Rajpura, as under:-

“(i) PW-1 Maninder Singh son of Avtar Singh, complainant cum eye witness has stated that on 12.04.2019 his friend Maninder Singh son of Joginder Singh and Gurjit Singh came to him on



Tata Safari bearing registration No.PB-11AR-4544 and they all proceeded towards Rajpura. Tata Safari was driven by Maninder Singh son of Joginder Singh. At about 03:30 p.m. when they reached near Over-bridge of Village Chamaru then a Car bearing registration No.PB-11BX-1214 came from their back side. Accused present in the court drove his car rashly and negligently at high speed. After overtaking them, accused applied brakes of his car. Maninder Singh also applied brakes of their vehicle and their vehicle got out of control and struck with Divider and Iron angles. Due to this left front tyre of their vehicle burst and wheel of their car removed. Window panes of their vehicle were also broken and all of them received injuries. Maninder Singh died on the spot. Accused came to them and disclosed his name as Darshan Singh of Rajpura and thereafter accused ran away from the spot along with his car. On the spot his brother Narinder Singh and brother of Maninder Singh namely Parminder Singh also came. Police vehicle also came there. Gurjit Singh was got admitted in hospital by some passenger. Dead body of Maninder Singh was taken in police vehicle. He was got admitted in hospital by his brother Maninder Singh. He proved his statement recorded by police as Ex.PW1/A. On 13.04.2019 police prepared the site plan at his instance. On 13.05.2019 he identified the accused and offending vehicle in police station. He further identified accused present in the court. In his cross-examination he has stated that accused present in the court has never caused any accident with him. He saw the accused for the first time in the court on 20.05.2022 and he has deposed on the said day under the pressure of police officials as they were present outside the court premises. He neither nominated any vehicle as offending vehicle nor any person as accused. His signatures were



obtained by police on blank papers. He do not identify the accused present in the court.” (Emphasis added)

14. A bare reading of the above facts shows that before the learned JMIC, the claimant side has turned turtle on its previous statement made before the Tribunal. No doubt, proceedings under the Act have to be decided on the preponderance of probabilities. However, this Court cannot shut its eyes in an ostrich like manner to the starkly diametrically opposite stance taken by the claimants' side in the criminal trial. Thus, no credence can be attributed to the contrary statements made by the claimant side before the learned Tribunal. It would therefore appear that the claimant had deposed falsely before the Tribunal only to get the compensation. It is my view that he said act of the claimant side amounts to perjury.

15. I am supported in my view by a judgment of this Court in **“Shri Ram General Insurance Company Limited Vs. Jeeto Devi & Others”** FAO-2231-2014 decided on 03.12.2019, wherein it is held that: -

*“(6) This Court cannot loose sight of the judgment rendered by this Court in the case of **United India Insurance Company Limited versus Kamla Devi and others 2010(53) RCR (Civil) 651**, wherein it was specifically held that in case an eye witness gives totally different version before the Court conducting trial in criminal case from the statement made by the said eye witness before the Tribunal, the testimony of such a witness is unworthy of being accepted and the evidence should be simply rejected. In fact, the learned Single Bench*

came down heavily on such witness and held that the said witness is also liable for perjury.”

16. Learned counsel for the appellants is unable to dispute or controvert the aforesaid facts and findings. Therefore, in actual fact, appellants ought to have been held liable for perjury, and no compensation was payable to them. Definitely no case is made out for enhancement of compensation.
17. In view of the above, present appeal stands **dismissed**.
18. Pending application(s) if any also stand(s) disposed of.

10.04.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No