

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****157****FAO-6199-2024(O&M)****Date of decision: 16.04.2026****Usha Devi & Others****...Appellant(s)****Vs.****Rajesh Kumar & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. D.K. Sharma, Advocate
for the appellants.***********NIDHI GUPTA, J.****CM-23320-CII-2024**

This is an application under Section 151 CPC for permission to place on record the certified copy of judgment/Award dated 01.10.2024 of the learned Tribunal and exemption from filing true typed copy of the same.

After going through the contents of the application, which is supported by affidavit of appellant No.2, the same is allowed subject to all just exceptions and certified copy of judgment/Award dated 01.10.2024 of the learned Tribunal is taken on record.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.11,84,502/- awarded by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (hereinafter 'the learned Tribunal') vide Award dated 01.10.2024 passed in Claim Petition CIS



No.249 dated 31.07.2023 filed under Section 166 of Motor Vehicles Act (hereinafter “the Act”). The 3 claimants are the 43-year-old widow, 21-year-old son and 20-year-old son of deceased Budhu, who was 51 years old at 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 Budhu had died due to the injuries suffered by him in a motor vehicular accident that took place on 27.06.2023 due to the rash and negligent driving of Atila bearing registration No.HR-02-AJ-7013 (hereinafter “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 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 assessed on the lower side as only Rs.10,532/- per month. Age of the deceased has also been wrongly taken as 51 years; whereas in actual fact, the deceased was only 50 years old. Multiplier has therefore been wrongly applied, and future prospects have also been wrongly added. Moreover, interest is also on the lower side. In support of his contentions, learned counsel relies upon judgment of this Court in **Naresh Kumar v. New India Assurance Co. Ltd.,**



(Punjab and Haryana) : Law Finder Doc ID # 2779931. It is accordingly prayed that the present appeal be allowed; and the impugned Award be modified.

4. No other argument is made on behalf of the appellants. 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.

5. Perusal of record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that prior to the accident, the deceased was working as a Building Contractor and earning Rs.40,000/- per month. To prove their claim, the claimants had produced the E-Shram Card of the deceased as Ex.P2, wherein it was shown that deceased was a Building Contractor. However, mere production of E-Shram Card is not sufficient to prove avocation of the deceased as a Building Contractor or his income as Rs.40,000/- per month. Admittedly, the appellants have failed to adduce any other documentary evidence such as Bank Account Statement, Income Tax Returns or any Building Contracts undertaken by the deceased. Even no client of the deceased has been examined to prove that any building contracts had been undertaken by the deceased. Therefore, in this circumstance, in the lack of evidence, the learned Tribunal has correctly assessed income of the deceased as per minimum wages payable to an unskilled labourer as Rs.10,532/- per month on the basis of relevant Minimum Wage Notification. I find no error in the same.



6. It has next been contended that deceased was 50 years old at the time of accident; and not 51 as determined by the learned Tribunal on the basis of his Post-Mortem Report (Ex.P9). In support, the claimants have relied upon Aadhaar Card (Ex.P1) of the deceased. However, there is no merit in the said contention of the appellants. It is well established position in law that Aadhaar Card is only means of identification; whereas the learned Tribunal has determined age of the deceased as 51 years on the basis of his Post-Mortem Report (Ex.P9). Thus, age of the deceased has been correctly determined as 51 years. In this regard, reliance may be placed upon judgment of Hon'ble Supreme Court in **Sunita v. Vinod Singh, (SC) : Law Finder Doc Id # 2706924**, wherein it is held that:-

"Compensation for death due to motor accident - Enhancement of compensation based on scientific assessment of age, monthly income, multiplier, and additional heads like future prospects, loss of love and affection, funeral expenses, and loss of estate.

XXX XXX XXX

11. Coming to the multiplier factor which is dependent on the age, there is sufficient indication that the deceased was aged about 45 years as per the Post-Mortem Report which is a scientific assessment of the age of the deceased. The purported discrepancy in the age with regard to that of the claimant and the deceased is erroneous for the reason that when the claim was filed, appellant no.1 was aged about 30 years and a difference of 15 years between the daughter-in-



law and the mother-in-law cannot be said to be totally devoid of reality given the contextual and prevalent societal norms in vogue at the time of marriage of the deceased which could have been at least 25 to 30 years prior to her death i.e., in or about the 1970s. Moreover, in the absence of material indicating to the contrary, there is no inhibition to accept the age of the deceased as per the Post-Mortem Report.....”

7. Thus, Id. Tribunal has correctly determined age of the deceased as 51 years on the basis of his PMR.
8. Keeping in view, the age of the deceased, Learned Tribunal has made an addition of 10% towards future prospects; and correctly applied multiplier of 11. As there were three claimants, deduction of 1/3rd towards personal expenses has been correctly made. Under the conventional heads, the learned Tribunal has awarded an amount of Rs.16,500/- towards funeral expenses; Rs.16,500/- towards loss of estate; and Rs.44,000/- to each of the three claimants towards loss of consortium; thereby granting total compensation of Rs.11,84,502/-, in the following manner:-

Head	Amount
Monthly Income	Rs.10,532/-
Annual income	Rs.1,26,384/-
Addition of 10% towards future prospects	Rs.12,638/-
Total income	Rs.1,39,022/-
Deduction of 1/3 rd towards personal expenses	Rs.46,340/-
Net income	Rs.1,39,022/- - Rs.46,340/- = Rs.92,682/-
Multiplier of 11	Rs.92,682/- x 11 = Rs.10,19,502/-



Loss of consortium	Rs.44,000/- x 3 = Rs.1,32,000/-
Funeral expenses and loss of estate	Rs.16,500/- + Rs.16,500/- = Rs.33,000/-
Total	Rs.11,84,502/-

9. Further, reliance placed by learned counsel for the appellants on the judgment of this Court in **Naresh Kumar (supra)** regarding interest is misplaced, as interest is to be granted at the discretion of the Court.

10. From the above, 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. 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.



- 11. Learned counsel for the appellants is unable to dispute or controvert the aforesaid factual and legal position.
- 12. In view of the above, present appeal stands **dismissed**.
- 13. Pending application(s) if any also stand(s) disposed of.

16.04.2026
Sunena

(Nidhi Gupta)
Judge

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