

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****131****FAO-769-2025(O&M)****Date of decision: 21.01.2026****Harshdeep Kaur & Others****...Appellant(s)****Vs.****Farman & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Gurinderjit Singh, Advocate
for the appellants.

*********NIDHI GUPTA, J.****CM-2311-CII-2025**

This is an application under Section 151 CPC for condonation of delay of 6 days in re-filing the appeal.

After going through the contents of the application, which is supported by affidavit of Clerk of the learned counsel for the applicants, the same is allowed subject to all just exceptions and delay of 6 days in re-filing the present appeal is condoned.

CM-2312-CII-2025

This is an application under Section 5 of Limitation Act for condonation of delay of 27 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 27 days in filing present appeal is condoned.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.93,37,200/- awarded by the Motor Accident Claims Tribunal, Patiala (hereinafter 'the learned Tribunal') vide Award dated 14.08.2024 passed in MACP Case No.153 dated 17.05.2023 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The four claimants are the 30-year-old widow; 3-and-a-half-year-old daughter; 60-year-old mother and 53-year-old father of deceased Gurpreet Singh, who was 31 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 deceased Gurpreet Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 15.03.2023 due to the rash and negligent driving of Bolero Pickup bearing registration No.UP-11CT-2637 (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 amount.



3. The only ground on which learned counsel for the appellants seeks enhancement of compensation is that interest has been granted on the lower side as only 7.5% and the same should be 9%.

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 that prior to the accident, the deceased was working as Technical Co-ordinator in the office of ADC (D), Fatehgarh Sahib and drawing a salary of Rs.43,121/- per month including Rs.250/- as mobile allowance. To prove the said employment and income of the deceased, the claimants had examined CW1 Gagandeep Kang, ADC (D), Fatehgarh Sahib, who had adduced sufficient documentary evidence to prove that deceased was employed in the office of the ADC, Fatehgarh Sahib.

6. It had further been pleaded by the claimants that the deceased was also having agricultural income of Rs.30,000/- per month. However, as no proof of income was produced, learned Tribunal had assessed monthly income of the deceased as Rs.42,871/-, after deducting mobile allowance of Rs.250/-.

7. However, CW1 has admitted in his cross-examination that deceased was only working on contract basis; meaning thereby that deceased was not a regular employee in the office of ADC, Fatehgarh Sahib



and could be removed by Government at any point of time. Despite this fact, learned Tribunal has made an addition of 50% towards future prospects, which could not have been done.

8. Age of the deceased was proved to be 31 years at the time of accident, on the basis of his Birth Certificate (Ex.C7), wherein his date of birth is mentioned as 29.01.1992. Thus, Multiplier of 16 has been correctly applied. As claimants were 4 in number, learned Tribunal had correctly made deduction of 1/4th towards personal expenses. Learned Tribunal had further awarded compensation in the following manner:-

Head	amount
Loss of dependency	Rs.92,60,144/-
Funeral expenses	Rs.16,500/-
Loss of estate	Rs.16,500/-
Consortium	Rs.44,000/-
Total	Rs.93,37,144/- rounded off to Rs.93,37,200/-

9. The abovesaid compensation has been awarded to the appellants along with interest @7.5% per annum. It is the contention of the appellants that the said rate of interest deserves to be enhanced. I find no merit in the said contention as grant of interest is at the discretion of the learned Tribunal. In the fact and circumstances of the present case, it is my view that the learned Tribunal has exercised its discretion very generously. 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.

10. In view of the above, present appeal stands **dismissed**.
11. Pending application(s) if any also stand(s) disposed of.

21.01.2026
Sunena

(Nidhi Gupta)
Judge

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