

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****129****FAO-323-2025(O&M)****Date of decision: 21.01.2026****Vikas Kumar Singh & Others****...Appellant(s)****Vs.****Gursharan Singh & Another****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Sandeep Singh Josan, Advocate
for the appellants (on VC).

*********NIDHI GUPTA, J.****CM-1039-CII-2025**

This is an application under Section 5 of Limitation Act for condonation of delay of 336 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 336 days in filing present appeal is condoned.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.40,00,926/- awarded by the Motor Accident Claims Tribunal, Ludhiana (hereinafter 'the learned Tribunal') vide Award dated 17.08.2023 passed in MACP Case No.110 of 2022 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The four



claimants are the 27-year-old son, 30-year-old daughter, 23-year-old daughter and 22-year-old daughter of deceased Ram Kumar, who was 56 years old at the time of accident. Wife of the deceased had already pre-deceased Ram Kumar.

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 Ram Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 02.03.2022 due to the rash and negligent driving of Maruti Spresso bearing registration No.PB-10-HQ-1794 (hereinafter “the offending vehicle”) being owned and driven by respondent No.1 and insured by respondent No.2. The said compensation has been awarded along with interest @ 6% per annum. Respondents were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellants at the very outset acknowledges that the only ground on which enhancement of compensation is sought is that 10% increase which is to be given every three years on the amounts to be paid under the conventional heads, has not been granted to the appellants.

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. It was the pleaded case of the claimants before the learned Tribunal that the deceased was in the business of iron parts. To prove income of the deceased, the appellants had produced Income Tax Returns as Ex.P3 from which learned Tribunal had determined annual income of the deceased as Rs.5,13,256/-. Age of the deceased was determined to be 56 years at the time of accident on the basis of his Income Tax Return Acknowledgement (Ex.P3). As such, the Tribunal had made an addition of 10% towards future prospects; and correctly applied multiplier of 9.
6. Further, the learned Tribunal has made a deduction of 1/4th towards personal expenses. However, keeping in view the fact that wife of the deceased had pre-deceased deceased Ram Kumar, and the fact that two claimants are married and two claimants are major children of the deceased, a deduction of 50% was liable to be made. As such, the claimants have already received compensation far in excess of what is admissible to them, as per law.
7. Further, the learned Tribunal has awarded Rs.15,000/- towards loss of estate, Rs.15,000/- towards funeral expenses and Rs.40,000/- each by way of parental consortium; thereby granting total compensation of Rs.40,00,926/-, in the following manner:-

Head	amount
Loss of dependency to claimant No.1	Rs.14,00,000/-
Loss of dependency to claimant No.2	Rs.5,05,463/-



Loss of dependency to claimant No.3	Rs.5,05,463/-
Loss of dependency to claimant No.4	Rs.14,00,000/-
Funeral expenses to claimant No.1	Rs.15,000/-
Loss of estate to all the claimants	Rs.15,000/-
Loss of parental consortium to claimants No.1 to 4	Rs.1,60,000/- (Rs.40,000/-)
Total	Rs.40,00,926/-

8. It has been contended on behalf of the appellants that consortium should be Rs.48,000/- each. However, reliance may be placed upon latest judgment of the Hon’ble Supreme Court in **Hasina Yasmin v. National Insurance Co. Ltd., (SC) ; law Finder Doc ID # 2826989**; wherein while referring the matter to Larger Bench, it has been directed that only a sum of Rs.40,000/- is to be awarded as consortium and Rs.15,000/- each towards funeral expenses and loss of estate - without 10% increase. Learned counsel for the appellants is unable to dispute this position in Law.

9. Thus, the present appeal accordingly stands **dismissed**.

10. 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